

# 1929 YEAR BOOK

Probation  
Juvenile Courts  
Domestic Relations Courts  
Crime Prevention



A Record of the 23rd Annual Conference of the National Probation Association held in San Francisco, June 24th to 28th, 1929, with miscellaneous addresses and reports.



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## FOR THE READER'S INFORMATION

Probation implies the development in every community of an agency in the courts for the study, individual treatment and prevention of delinquency. It requires special courts to deal with neglected and delinquent children and broken homes. The National Probation Association invites all who are concerned or interested in the improvement of probation and social court work to become members. Members receive the year book, Probation, the monthly bulletin and other publications. They are kept informed as to the movement for the prevention of crime and the just treatment of offenders.

### MEMBERSHIP DUES

The minimum fee for membership is \$2.00 a year; contributing membership, \$5.00; supporting membership, \$10.00; sustaining membership, \$25.00; patron membership, \$100.00; and life membership, \$1,000.00.

The Association is supported by membership dues and by contributions. Large contributions are required to meet the many needs and requests for assistance. Such gifts to the Association are deducted from income tax returns in accordance with the provisions of Section 214 of the Revenue Act of 1924. Make checks payable to the Association.

Address the

### NATIONAL PROBATION ASSOCIATION

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## What Others say of Probation as a Means for Preventing Crime

*"To save whatever of good there is in men for themselves and for society is not a sentimental doctrine. It is one that is founded on the sound administration of justice. Justice does not require the destruction of that which is good. It requires the destruction of that which is evil; and justice requires as strongly the saving of that which is good as it does the destruction of that which is evil. The work that you are doing is the saving of that which is good in the individual, along with the correction of that which is evil. You are doing some of the most important work that is being done; you are the right hand of the administration of justice."*

—Calvin Coolidge

*"The object of penal laws is to protect society. No community can afford to build prisons large enough and numerous enough to incarcerate all people that violate the law. . . . What are you going to do with the people who violate your laws? You can't shut them all up in prisons. The obvious way is to consider the individual case and if you find a man who has violated the law, who isn't fundamentally abandoned in character, who is susceptible of being brought back, it is to the interest of society that that man be preserved and that the state be relieved of caring for him all his days . . . The whole system of probation is for the purpose of applying discrimination between those who for one reason or another have violated the law and those whose very presence in society is inimical to society. . . . I am very glad to say how earnestly I believe in the principles of the National Probation Association, and welcome the emphasis it is giving today at a time when the community has gone mad over piling up penalties for criminals, most of whom they cannot catch."*

—George W. Wickersham

## INTRODUCING THE YEAR BOOK TO YOU

The Annual Conference of the National Probation Association brings together judges, probation officers and social workers whose experiments with and judgment on the treatment and prevention of delinquency merit special attention.

Probation, juvenile courts, domestic relations courts are all new services,—as time goes. Much of their work is pioneering. The annual conference therefore means that many pioneers are here given a chance to pass on to others the valuable results that they have achieved.

The Annual Year Book of the Association, formerly called the Annual Proceedings, makes a unique contribution to the field of probation, juvenile and domestic relations courts.

The National Probation Association takes this occasion to express its sincere gratitude to the men and women whose work and ideas make the present Year Book so valuable.

CHARLES L. CHUTE,  
*General Secretary.*

### FORM OF BEQUEST

I devise and bequeath to the National Probation Association, incorporated under Article Three of the Membership Corporations Law of the State of New York, to be applied to the benevolent uses and purposes of said Association and under its direction (Here insert description of the money or property given).

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# 1929 Year Book

## Probation, Juvenile Courts Domestic Relations Courts Crime Prevention

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### Address of Welcome

FOR

SAN FRANCISCO

THE HONORABLE C. J. GOODELL

*Judge of the Superior Court, San Francisco*

You who are visitors from the East, Middle West, the Rocky Mountain states, British Columbia, and elsewhere, find yourselves within a city that is noted for its hospitality.

San Francisco is a city that delights in welcoming the stranger. In addition to the greetings which it extends to all visitors, there is a quality of hospitality that attaches itself to this particular group that is above the welcome usually given a convention.

This is a conference rather than a convention. Conventions are held here and elsewhere throughout the country by different organizations. Their purpose is an annual get-together and sometimes, a good time. The business of this particular association, at this particular meeting, is a serious business because the people who are engaged in probation work, are, as a rule, people who are earnest and sincere in what they are doing.

In visiting San Francisco you have come into a community where probation is administered by experienced men. The chiefs of its two departments, adult and juvenile, are men who have given many years of their lives to the work. They are surrounded by a score of assistants who also have had much experience.

The judges in this community, who are the administrators of the law so far as the courts are concerned, have from the time that the

laws were written on the statute books, been men who were in thorough sympathy with the principle of probation. I might go further than this statement. A judge, now deceased, who was a superior court judge, and was afterwards elevated to the supreme court of this state, administered probation before it was legally authorized, or sanctioned at all. I refer to the late Judge Lawlor. I am reliably informed, by a man who is within my hearing, that many years before adult probation became a part of the state's legal machinery, Judge Lawlor found a way to use the principle of probation effectively.

By these things you can see that the people who are related to the work in San Francisco speak the same language as you who are visitors. They understand the subject as you understand it and have the same sympathy with it. And so, in addition, as I have said, to the hospitality which goes from the city to the visitors there is more than that, there is this sentimental hospitality, if I may call it that, which exists for you.

President Hoover, on the fourth of last March, stated in his inaugural address that the most important things confronting the country at this time were lawlessness and crime.

Probation has to do with preventive justice, as well as with curative or remedial justice. It is not limited to the proposition of locking the stable door after the horse is gone, but it is a very decided factor in crime prevention.

The first offender when granted probation, if it works as it does in most cases, and he is restored to society, returns to his family and to his business and becomes a useful citizen of the community. Under the old system, he was thrown into a term of long confinement, which represented a period for the generation of much bitterness against society on his return. When released from his imprisonment, it formed often the incentive for committing some offense perhaps worse than the last.

The subject of probation today is timely. The thought of the country is centered upon crime and crime prevention, and the administration of justice. I think it is safe to predict that this Twenty-Third Conference of The National Probation Association will prove, not only one of the most important up to this time, but probably one of the most important for some years to come,—for the reason of this timeliness.



## Address of Welcome

### FOR THE CALIFORNIA PROBATION OFFICERS' ASSOCIATION

JOHN P. PLOVER

*President, California Probation Officers' Association,  
Sacramento, California*

Some of the literature sent out by the committee in charge of our general conference, referred to the march of the pioneers, who, about a hundred years ago, came from all portions of the North, East and the South, bringing with them courage, fortitude, and a love for civil and religious liberty, and builded here on the western shores a commonwealth which has become one of the world's most prominent sections.

You, too, have been pioneers in your own way. You have come on a pilgrimage to a land noted for its pioneering. You have been pioneers in the fields of social welfare. Perhaps you have not had physical combat with savages but you have had your battles with policemen, with judges, and that never-ending battle with the group of people who have charge of making budgets. You have weathered all these storms.

A conference like this, is splendid. It gives us, as probation officers, a chance to take stock of ourselves and the principles for which we stand. It is a mighty good thing occasionally, to let the public know just who we are and what our job is.

## Probation, Its Uses and Potentialities

THE HONORABLE HERBERT G. COCHRAN

*Judge of the Juvenile and Domestic Relations Court,  
Norfolk, Virginia*

The National Probation Association, as an association, dates back scarcely more than twenty years. It was first organized at a conference of probation officers, in 1907, and its first officers were elected in 1909. It had no separate offices of its own till 1921, in which year it employed an executive secretary and was incorporated. In 1921 its budget was \$9,000; today it is more than \$70,000.

The association has had great influence in moulding and forming public opinion throughout the nation in regard to the use of probation. It has helped to make possible the passage of legislation in every state of the Union except one, providing for juvenile probation, and for adult probation in more than two-thirds of the states, including all the larger and more populous states.

The idea of probation was started in Massachusetts fifty-one years ago. Its growth has been slow. No other state adopted it until 1894, when Maryland began its use, followed by Vermont, Rhode Island, New Jersey and New York in the period between 1898 and 1901. Since 1910, its growth has been constant and rapid. Today, there are nearly 4000 full-time employed probation officers at work in the courts of this country. In Massachusetts 25 percent of all persons convicted of criminal offenses are today being placed on probation. For years in that state more than 80 percent of all persons placed on probation have made good, and have had no further criminal record. Massachusetts has not built an additional prison cell in twenty-five years and has a much smaller prison population today than it had twenty-five years ago. This has saved the public the expense of caring for thousands of prisoners. We find that \$2,000,000 was paid last year by persons on probation, of which nearly \$600,000 was for fines and restitution and about \$1,400,000 for support of dependents. Massachusetts has found probation, properly applied and carefully administered, to be one of society's surest defenses and protections against criminal activities, and has the lowest crime rate of any state in this country.

New York state has found that 78 percent of its 250,000 adult offenders who have been placed on probation since 1907 have made good and have paid in fines, restitution and support of dependents, \$23,000,000. Between 15,000 and 20,000 adult and more than 7,000 juveniles are placed on probation yearly in this state. More than 80,000 persons are annually placed on probation in England with most satisfactory results.

### *The Spread of the Probation Idea*

Probation is on the way to adoption in all our criminal courts as one of the surest aids in dealing with the problem of crime. Nearly all the states of the Union now have probation laws, though many states have not yet adequate probation administration and service. Probation, unless properly used, may be and generally is worse than useless. It will not do to release a person and tell him to be good and write his probation officer once a month, and let it go at that. Such a procedure makes of probation a farce and is harmful and dangerous. It tends to discredit probation and to bring it into public disrepute. Definite conditions of conduct designed to remedy the cause of the person's offense, and careful, consistent and constant contact and supervision by an intelligent, trained, tactful and resourceful probation officer is necessary to get satisfactory results, such as are being obtained where these methods are being followed. There is still some good in most of us, and probation is designed to bring out the probationer's best effort toward normal behavior. If he does not or will not correct his behavior, it is the probation officer's business and duty to return him to the court for sentence or other treatment as the court may determine.

Such methods in probation are proving far more successful than imprisonment. Between 50 percent and 60 percent of all persons in our jails are repeaters, that is have been there before, some of them a dozen times, some more than a hundred times. Between 75 percent and 85 percent of persons placed on probation have made good, and been restored to useful citizenship. The contrast is striking.

### *The High Cost of Prisons*

Probation is much less costly than imprisonment. It costs \$15 to \$18 a year per person to supervise a person on probation. It costs \$350 to \$500 to keep a person in prison a year,—besides the loss to the community and to his family of what would have been earned if

released on probation and required to work instead of being kept in jail at public expense. Again the contrast is striking,—and all in favor of probation. Of course, there are persons whom it will not do to release on probation,—such as those who make a business of crime, the gangster, the confirmed, deliberate, purposeful criminal, and those who are dangerous because of mental irresponsibility and social abnormality. But the fact remains that by herding together in our prisons vicious, hardened criminals with those who need help and guidance and a chance to make good, and with first offenders, we have for years been breeding and educating criminals instead of reforming and curing them. It is only too true that our jails are veritable nurseries and schools of crime. This must be stopped.

### *Weak Probation Supervision*

Homer Folks, of the State Charities Aid Association of New York, has said: "The system of probation, of supervision in social life, must grow as the use of prison diminishes. The efficiency of this supervision is as yet the weakest point and needs to be strengthened by sufficient appropriation and by wise administration. If one-tenth of the funds now expended by our states upon the support of penitentiaries, jails and prisons, were intelligently used in providing for the employment, care and supervision of offenders on probation, the effects, as our experience already proves, would be of multiplied value, and by preventing crime would work a vast economy for the state."

Dr. Charles Platt, a former president of the National Probation Association, said: "The probation idea is now accepted by all thinking people. Prison, it is now recognized, is but a last resort, and an acknowledgment of failure. Its influence is too harmful, too anti-social, to justify the subjecting of any one to it thoughtlessly. It is beginning to be recognized that we must raise our standards of admission to the prison, that we should demand of each applicant some real aptitude for crime."

This, of course, does not mean that some of our offenders ought not to be removed from society and segregated,—they should be and many of them,—including some who under our present system are not dealt with in this manner. But, in the name of reason, let us know what we are doing, when we decide what we will do with these offenders against our social and legal codes. Let us have the aid of mental hygiene and of social investigation and make our decisions intelligently, rather than strike blindly and sometimes savagely, in the darkness of a spirit of prejudice and revenge. For after all, the more

we come to know of the problem of crime, the more it becomes evident that we, as a part of society, are at least as much responsible for the criminal's offending against the law, because of his antisocial conduct, as is the offender himself. And so long as society permits to exist reeking slums, dens of vice, inadequate living wage, and a thousand temptations to violations of legal codes, we should at least endeavor to deal intelligently and fairly with these transgressors,—though I think we should likewise deal firmly and consistently with them.

Probation is no panacea for all our ills,—and it is inadvisable that we should get the idea that it is. But “the secret of the cure of crime—if there is one,—is contained in a knowledge of its causes”. We need to put and keep the emphasis on prevention rather than punishment,—which in the main is rather futile. The whole history of crime indicates it. Finding the causes, is the key to the problem as it has been in the field of medicine and public health in dealing with the plagues of disease. A vast deal of crime is merely the product of mental and emotional disease.

### *Crime Is Decreasing*

It is well to bear in mind, in view of all we hear of crime waves and the increase in crime, that there is ample reason for encouragement and even for optimism. The idea that crime is increasing is largely a matter of awakened interest in the problem on the part of press and public,—though the situation is bad enough, in view of the fact that we apparently indisputably have much the greatest amount of crime of any of the civilized and stable nations. But, whatever the popular impression may be, figures show a marked decrease in the volume of crime. Figures published by the United States Census Bureau give the number of commitments to prisons and penitentiaries in this country in 1910 as 479,787; for 1923 the number of such commitments was 357,493, a decrease of 122,000 or 35 percent in 13 years. It is likewise very significant that the largest decrease occurred in the group from 15 years to 17 years of age, in which there was a decrease of 43 percent, this being the age group in which probation was most extensively used.

Probation has been called,—entirely justly, I think,—the greatest forward step in criminal jurisprudence in a century. It is humane; it is preventive; it is constructive,—and experience has already abundantly indicated that, properly administered, it is remarkably effective.

tive. Of course, much more than even efficient probation is necessary in an effective dealing with the problem of crime.

We have much to learn from the studies of crime commissions, such as those of California, New York and the National Crime Commission. The world is beginning to realize that prison experience too often only confirms men in crime. "We know that the principle of probation is correct. We know that properly applied it will reduce crime. We know that it saves the state much money; that it educates and prepares for society. We know these things, but what we have to do as individuals and as an association is to see that the principle is properly applied."

### *Applying Probation*

May I mention one or two things that it seems to me we should always have in mind in this matter of the proper application of probation:

1. The probation officer is primarily an officer of the court and of the state. He is also engaged in applying the principles and methods of social work in his job. He is, or should be, a social worker, but he is that secondarily. Primarily, he is an officer of the court and he works first for the court and the state,—not for the prisoner. He need not fear about helping the prisoner,—for in this matter the interest of the probationer and the interest of the state are identical,—the best service to the one is the best service to the other. He will get better results if he does not forget that he is the officer and representative of the state,—and the friend of the probationer. But the matter of emphasis is important.

2. The placing of offenders on probation without thorough social investigation is a menace to the probation system. It should not be done. As Chief Justice McAdoo of the New York City Magistrates Court has said: "Probation will certainly fail if we magistrates give probation to a defendant upon statements of paid counsel or friends whose character may be good or bad. A counsel is paid to make flattering statements and minimize the defendant's case,—the only way that probation can be carried out successfully and with justice to the community, is that the defendant be remanded and the probation officer given an opportunity to ascertain all the facts."

In conclusion, if we have in mind the things we know and apply them in our work, I think we may say with that delightful veteran and Nestor of probation, Herbert C. Parsons—"To me it seems that probation holds out in the very nature of its service the brightest

promise of advance. It is the treasure house of a vital principle, the custodian of a great truth; namely, that along the lines of salvage, of restoration, of individual understanding and treatment lie the way of progress. It stands now at the forefront in the hopeful program of dealing with the problem of the person who violates our laws."



## Preventive Justice and the Law

JUSTIN MILLER

*Dean of School of Law, University of Southern California,  
Los Angeles, California.*

This is an age of changing concepts and rapidly changing ideas. A proper understanding of the problems of criminal justice requires an understanding of this fact as a background. By way of contrast and to illustrate the extent of the changes which are taking place I have selected first, a statement which appeared in a decision rendered by the Supreme Court of the State of California in 1905. The court was considering the constitutionality of an ordinance passed by the supervisors of Marin County, prohibiting the use of automobiles between sunset and sunrise. The court took judicial notice of the nature of an automobile, as courts do, and in defining the new creature used this language:

"Its use as a vehicle for traveling is comparatively recent. It makes an unusual noise. It can be and usually is made to go on common roads at great velocity—at a speed many times greater than that of ordinary vehicles hauled by animals; and beyond doubt it is highly dangerous, putting to great hazard the safety and lives of the mass of the people. Fearful accidents to persons driving animals which are frightened into unmanageable terror by automobiles are of common occurrence. Moreover, in the night time even those drivers of automobiles who might be considerate of the safety of others, would not be able to see an approaching team in time to take the proper precautions. Considering these matters, we see nothing unreasonable in the regulation."

The court held it a constitutional provision.

Since that time, of course, automobiles have become things of common usage and most people travel in them. Such a striking thing as an automobile, especially coming in the quantity that it has, carries along with it the imagination and the thought of the people. The great mass of people are able to understand changes of that kind, and keep up with them. The youth of today takes the automobile as a matter of course. There is nothing unusual or strange about it as a vehicle.

This change is typical of what has been going on in the last twenty-five years in many directions, though in many instances the changes have not been so striking or so clearly perceived.



The probation movement itself has come about largely during the last twenty-five years. The juvenile court has developed within the same period. We take for granted, now, the propriety of large numbers of probation officers and juvenile court judges, where twenty-five or thirty years ago they were not even thought of by most people.

In attempting to define "preventive justice" we run into a number of difficulties because justice itself is a thing upon which no two persons agree. Probably the best popular definition is that it is the idea held by a particular individual of what should be done under particular circumstances which will best serve his own interest. Of course, you cannot generalize upon the basis of such a definition as this, nevertheless it accounts, no doubt, in large measure for the disparaging contrast so frequently made between law and justice. The law must necessarily be a matter for universal application by persons who are or may be lacking in imagination. When you attempt to apply the ideas of each individual as to what should be done in each particular case in terms of a standardized code of laws, you have conflict rather than agreement. It might have been better then to have stated this question in terms of preventive justice as opposed to the law, or in spite of the law, or something of that nature.

It is my purpose to emphasize the idea of "prevention" which appears in the title of my subject. In order to secure this emphasis the term "justice", which is indefinite in its connotation is more useful than the term "law" which is quite definite. The thesis which I wish to develop is the necessity for a change of emphasis which will indicate the increasing importance of prevention as contrasted with the importance of procedural, regulatory measures of the kind in which we have been putting our faith, very largely, during the preceding years.

### *"Prevention" in the Field of Justice*

Preventive justice is much the same as preventive medicine. We think of preventive medicine in terms of public health, of measures such as provision for better housing, better sanitary conditions of work, better conditions of life, better conditions of study for school children and for the adults who are their parents. There may be no consideration at all of "medicine" in preventive medicine just as there may be no consideration of "law" in some phases of preventive justice.

It is more difficult to interest individuals in prevention than it is in the emergency measures involved in law enforcement. It is easier to intrigue their interest in a good fire than it is in methods of fire prevention. You can turn out a good crowd at any time of the night by putting in a fire alarm. If it is a spectacular blaze lasting for a few hours, the whole community will respond. But if you announce the demonstration of a method of fire prevention only a few experts and insurance people will appear. So it is with preventive justice, with preventive medicine, or whatever the type of prevention may be.

The difference between preventive medicine, fire prevention, and other types of preventive work on the one hand and preventive justice on the other is that the development and successful operation of preventive methods in other fields require the interest and is subject to the control of small groups of people, while preventive work in the field of justice, and the administration of the criminal law, is a matter which requires the intelligence, the education and the cooperation of large groups of people.

If some one discovers a new technique in the field of medicine it is not necessary, for its success, that the members of the legislature or the governor be convinced. It is only necessary that its technique be perfected and put into operation successfully by one physician. If it is a good method it will be followed by others. It will become the subject of articles in the medical journals and thereafter an accepted technique. If a particularly good piece of work is done in any field controlled by scientists, such as the discovery of a new method in chemistry or physics, a scientifically conducted piece of laboratory work and a demonstration are all that are required before large enterprises are based upon it and still larger changes in industrial and social conditions occur.

When, on the other hand, we undertake to secure preventive work in the field of justice, we take exactly the opposite steps. Its successful operation awaits the education of the large mass of the people. Let us very definitely recognize the handicaps under which we must work in securing changes in this field. Let us recognize the fact that it may be, in each case, a long process of education, and for that reason it is all the more necessary that there should be real leadership, and that far from being a very unassertive group we should become a very assertive one. We should establish very definite standards, professional standards of conduct and of education, and demonstrate to the world the truth of what we have to say,—the importance of accomplishing the results which we claim can be accomplished.

How shall we proceed to accomplish these results? In the first place, there is needed a real fact basis. If we undertake to convince anyone of the truth of a suggested hypothesis, and are not prepared with the facts to demonstrate our belief, we are worse off than if we had never started. That suggests the importance of adequate statistics concerning the causes out of which crime arises.

This is a large order. It is one which the ordinary legislator, the ordinary lobbyist, is hesitant to undertake. It is too large for any single individual to handle. It requires large scale operation; it requires good direction, guidance and sponsorship of a group, national in scope, such as is represented by the National Probation Association. It requires cooperation of similarly interested national organizations. It calls for the elimination of conflict and friction between these groups and the establishment of cordial relationships. One of the serious difficulties that confronts us is the inability of participants in different lines of work to cooperate. This has been particularly true of those working in the preventive, prosecuting, or retaliatory fields. Each has a different point of view. The person who states that the way to solve the crime problem is by capturing all the criminals and putting them in jail for life and then forgetting them, has quite a different point of view from the person who is thinking in terms of the real purpose of criminal law.

### *The Purpose of Criminal Law*

What is the real purpose of the criminal law? Some people tell us that the purpose of criminal law is twofold; it provides for the capture of criminals and for their confinement in jail for life. This is the usual viewpoint held by police and prosecutors, fortunately with some exceptions. The lawyer group will tell you the purpose of criminal law is to provide a definition of crime, a procedure by which persons accused of crime may be tried to determine their guilt or innocence, guaranteeing their rights on the one hand, and the rights of society on the other hand, and providing for their punishment in case they are guilty. Every person who approaches the problem is quite likely to have a different attitude on the subject, and consequently, a lack of sympathy and understanding for the other groups working in the same field.

If we can agree that the fundamental purpose of criminal law is to protect certain interests or institutions of society, which we value, we can easily come together upon such a basis, uniting all the groups so that they will work together toward a common end.

We value human life, so we have a crime defining murder, in an effort to protect human life. We define assault and battery, robbery and other crimes which challenge the safety of life. We value the institution of home, or we used to, and the institution of marriage; so for their protection we have a set of crimes, defining interference with those institutions, for example, rape, polygamy, bigamy, and others.

Whatever society values as a fundamental primary interest it will protect with criminal law. Consciously or unconsciously we have built up a group of offenses to protect each primary interest. Crimes relating to interference with possession of property, enjoyment of life, and other interests well known to the common law, are easily explained on this basis. When we consider the field of our newer offenses we have more difficulty in explaining them. In fact, one of the major causes of crime at the present time, in my opinion, is our transfer of reliance from the old restraints of society to laws.

A great many of our present day offenses were formerly controlled by the home, the family, the church and by social custom. We have grown to have less confidence in these institutions as controllers of human actions. The great national pastime at present is passing laws. We have many of them. Prohibition is one which is disturbing us very much at the present time, but it is only one of many which have been passed by legislatures during recent years.

Many persons, newly elected as legislators have the idea that records are made by getting new laws passed. This has resulted in so many laws being passed that it is futile to attempt to enforce them. The consequence is that a very general disregard for law has come about because of the increase in the number of those which have been declared. It is to be hoped that we may soon return to a realization of the fact that social control may be expressed in other terms than that of law.

Sometimes I ask my classes in criminal law whether they would prefer to violate the traffic regulations or even the prohibition law, or some other law or go to a dress party without a necktie. Have you any doubt what the answer is? They do not hesitate about answering that question. It is a very good example of the force of social control without law.

Our experience with prohibition represents another example. I was a district attorney for four years in a small county of this state. During my term of office the county seat went dry under local option. The people of the city which was the county seat were tremendously interested in the subject and after a heated battle, in which all the

issues were discussed, they voted that the city should be dry. There was little difficulty about enforcement with that sort of sentiment behind the enactment of the local law. But when national prohibition went into effect in many counties the people forgot their interest in the subject, even in those places in which there had been local option, and abandoned the enforcement of the law, leaving it to federal officials. Then there came about a strange shift in sentiment. The law itself was broken and opposition was set up against a government which attempted to tell the people, from a distance, what they should do in a local community. In many counties at the present time there is not as effective enforcement of the prohibition law, under national enforcement, as there was in the days of local option when the people of the counties felt they were responsible for it.

### *The Potential Criminal*

In my opinion the largest problem in preventive justice is the elimination of the potential criminal. I state that as a bold proposition realizing at once that it brings various reactions from several groups. There are those who will say that the potential criminal is a criminal by nature, or a so-called natural criminal and that it is impossible to eliminate him; that he comes as a gift from God, or perhaps as a plague, to harass us and we must put up with him and take care of him when he makes his appearance. This conception has been rather effectively demolished, so far as those who have studied the question are concerned, although it is used as an alibi by many people to justify their own indifference to this important question of preventive justice.

Then there is another group whose members will say that all persons are potential criminals, that the subject is so large that it baffles investigation, and that therefore there is no use spending any time on it.

The solution of this problem of preventive justice is one for a smaller group to undertake. It must be prepared to go ahead on its own, establish facts, set up its hypotheses and educate the others.

The real problem of preventive justice lies in the elimination of the potential criminal. This leads us into the problem of finding the potential criminal. Who is he? If we examine those we have in custody, as the psychologists do in their intelligence testing examinations, the determination of proper correlations between prisoners and the conditions out of which they come will lead to the discovery

of the groups who are potential criminals. Having discovered this, we can more easily trace the causes out of which their potentiality grew.

### *Juvenile Delinquents*

Let us examine a few of the groups. First, we have the large group of juvenile delinquents. There is no difficulty in locating this group definitely, although we establish it on an age basis rather than on other bases of classification. Having placed this group we have in reality a cross section of the whole of society, because juvenile delinquency comes from every group, the so-called underprivileged and the so-called overprivileged, both contributing largely to it. About all we can say of juvenile delinquency is that it gives us an easily ascertainable group, and an easily studied group. We have made substantial progress in determining some of the causes of juvenile delinquency. To the extent that we establish the causes of juvenile delinquency we shall establish the causes of adult delinquency because much of it comes out of and is a secondary phase of juvenile delinquency.

### *The Unemployed*

Then we have the group of the unemployed. A woman lawyer in Los Angeles, not long ago, said that she didn't believe that any person ever stole because he was hungry. And yet the record of offenses against property such as burglary and larceny, in which we have instances of crime to satisfy primary wants, rises in winter during the period of unemployment and drops during the period of employment.

There is a very good opportunity for study of this problem in California because it is a state of transient and seasonal labor. Its agricultural opportunities attract a large group of laborers who follow the crops. They go from one crop to another, through the harvest months, and they journey to the cities for the winter where they become problems for the charities and law enforcing people. It is during these periods of unemployment that crimes increase.

There is no doubt then that unemployment is one of the causes of crime. There are many explanations for the existence of the unemployed. Sometimes they are not properly qualified to compete with the conditions existing in this highly complex society. Sometimes they are physically or mentally incapacitated. This last condition in turn suggests the importance of investigating the argu-



ment of the eugenists in an effort to see whether we should attempt to control birth itself and to eliminate hereditary incapacity. There is no question, but that there is a large number in these groups who, because of mental disabilities are unable to find employment because they are unable to compete. Then again they may be both mentally and physically qualified but without the proper training. Perhaps they may be ill adjusted because they have not been properly selected and placed.

Being faced with the problem of unemployment, what remedies shall we suggest? The favorite method of handling the problem, according to the law, is to "vag" these people, that is to pick them up in the public parks, or wherever they may be and put them in jail over night. If they have money we fine them the amount of money found in their pockets and send them on to the next county, or give them a warning to get out of our county within twenty-four hours. Have you ever heard of actions like these? They represent the typical American method of handling the problem of this particular group of potential criminals. Of course, the result of this policy is to make them a little more "potential". We take away what little money they have, we take away a little more of their self-respect and courage, and we send them on the road to the next county, where they become more of a problem than they were the night before.

### *Our Educational System*

We have an educational system designed, in a measure, to cope with the vagrancy problem. We are training children in vocations, to a limited extent. We are attempting to have a better selection of children in the schools and to determine their capacity for different lines of work. Unfortunately, bills designed to accomplish these purposes more adequately in California were defeated in the last session of the legislature.

We have discovered, by rather widespread experimentation, that about 25 percent of all the students in the first year classes in our larger universities are failures. In other words, out of those students who have a sufficient amount of intelligence to go from high school to college, and that means they are a select group, about 25 percent fail each year in the colleges of the country. When they are told that they have failed, in what is essential in the demonstration of intelligence, and are sent home, the stamp of failure is placed upon them and their courage broken at the most dangerous point in life.

The result is a waste of human material and opportunity. Obviously, there is something wrong with school methods which permit this sort of treatment. Something is wrong also in the preventive methods. This situation is not so true in the earlier stages of education because the elementary schools feel more responsibility in carrying the child through, so far as they can, to the high school period.

I worked once on a committee at the University of Minnesota, which attempted to determine the reasons for this particular problem. There was one group whose members believed that the purpose of the first year of college was to train people for graduate work in their individual departments, and that it had very little other use. They were not disposed to make concessions regarding the character of work given in the first year. There were others who believed that the purpose of college is to give a cultural training without taking heed of the future ability of the student to care for himself after college days are over. Perhaps this is a legitimate purpose of a college. If this be the purpose, the school people should frankly state it and indicate the necessity for establishing types of state schools where the proper training may be given, and where boys and girls may be selected as students who are being failed in the first year of other colleges at the present time. Here is a piece of preventive work which may go far under the auspices of our school department.

### *Clinics in the Court*

In determining physical disabilities among potential criminals, physicians and surgeons are already making rapid advances through the establishment of clinics and the carrying out of public health programs on a broad scale. All of this work comes quite properly within the field of preventive justice. The same can be said of mental hygiene work, and of dental clinics. We have under way at the University of Southern California a legal clinic in which we provide legal services, with the idea that it will help, in a measure, to save homes and individuals, thereby eliminating some potential criminals.

Another matter which we must consider in this field of preventive justice, is a return, if it is possible, to some of the old forms of social control. We have ruthlessly broken down some which were most effective in the past and so far we have provided nothing in their place.

The new social and industrial order has destroyed, in a large measure, the old family and home organizations. Perhaps it is no



more than a coincidence—I have been assured that this is true,—that the coming of the new freedom of women has been coincident with the breaking down of the institutions of home and family. At any rate, it gives women something to think about in wondering whether or not they have given proper consideration to the home and the family, and the discipline which it carried with it, in their effort to establish themselves on a better basis so far as their own self expression is concerned.

While I am stating my indictment, or suggesting coincidences, let me say that, in my opinion, the educational system itself has contributed to our crime problem. We have, over a period of years, been educating young people for more effective and intelligent participation in government. We have stimulated their imaginations; we have developed their resourcefulness; we have encouraged them to think it possible for them to become presidents of the United States; we have fed them on the romance of history, whether it be war or big business. We have given them as a form of expression, after we have developed their enthusiasm—the opportunity to vote once in a while. Voting is a very unsatisfactory method of expression. It isn't to be wondered at, that having found no other form of expression than this, and being forced to go back to the same sort of jobs that they had before, especially if we put a mark of failure on them and send them away from college, they should seek other forms of expression, just as the women are doing. When a boy goes out and holds up a filling station to get money to entertain his girl friend in a way in which she is accustomed to being entertained, all he is doing is attempting to find some romance in life. He may be a normal person otherwise.

It might be well, in considering this problem, for us to revert to one of the doctrines of the old church fathers who claimed that we are all sinners. I doubt very much whether there is any one in this audience who has not at some time or other committed an act which would now be defined as a crime. It would be safe to say that every person here, some time or other, has done something which, according to the present collection of laws, would constitute a crime. If this is true, you can see how futile it is to attempt to think in terms of criminals, or in terms of a method of administration which talks about putting all people in jail when they commit crimes, and keeping them there. It just doesn't work.

### *Jails and Penitentiaries*

As a matter of public economy, we could not put all the criminals in jail, anyway. Regardless of whether or not the number is increasing, or decreasing, there is no doubt that the jails and penitentiaries are already full. Certainly they are in California, and in every state where I have had an opportunity to investigate them. Every jail which I have visited lately has had beds set in the corridors. I have been assured by the wardens, or the superintendents in charge, that the overflow in each case represents a jail-break condition. In spite of this our newspapers continue to editorialize in favor of the necessity of harsher laws, longer punishments, and laws that will speed up justice. I realize the importance of these things, but even if they were effective the only result would be to increase the population in the jails so rapidly that we should immediately have to make plans for building new buildings.

If we were to increase the average punishment of our major offenses, by one year, it would necessitate, in practically every state, the building of a new institution as large as the largest penitentiary in that state, and for each additional year an additional institution. Any one who sponsors a program of this kind as a solution to this problem, is advocating a financial program which calls for the investment of sufficient funds to build an institution as large as the largest one in the state each year that we increase the average.

Think of the possibilities if we start to put everybody in jail who commits an offense. The basis of prosecution and punishment does not lie in the act itself, but in the "getting caught". Effective prosecution and apprehension, necessary as they are, would have no other result than to put more and more people in jail and place an added burden on those who are fortunate enough not to get caught, that they may support those who are. As a matter of public economy then, we are forced to find some sort of a method which will have a different objective, regardless of our feeling about it. Being driven to this conclusion we find ourselves again back in the field of preventive justice. The problem cannot be cared for solely by regulatory and punitive measures.

The legislatures of this country each year are passing more and more laws which take away some of the supposed rights of defendants, and make the way to the penitentiary a little easier. Occasionally they concede the passage of a law for the provision of better police forces and the capture and detection of criminals. Measures designed to prevent crime are apt to be the bills which, if they are

fortunate enough to get by the legislatures, are vetoed by the governors.

During the last session of the legislature in this state we have gotten some beneficial new laws, but the tendency is still to pass the regulatory type and to avoid the responsibility for the preventive type.

### *The Church and Crime*

Among the forces formerly used to control crime, which have been lost, and which we must re-establish or provide substitutes therefor, is the church. There was a time, especially in the small community, when the church exercised a very potent control over individuals, especially the young people. We have apparently largely abandoned the church. Regardless of what our attitude on the subject may be, we must concede that it was at one time a very important factor in preventive justice.

There was also a time when many of the crimes of today were not crimes at all, in the eyes of the law, but were matters handled by the church with punishment actually provided by it. We have lost our faith in this method of procedure and have gained new faith in the efficacy of more laws. Have we anything to substitute for the church?

There is undoubtedly something in men, women and children, which responds to psychic control. I am not discussing the thing at all on a religious basis, but rather from its psychological angle. Whether it be expressed in terms of voodooism, of superstition, or in terms of the church and the religious observance found in the church, with its hope of reward and fear of punishment in after life, or whether it be expressed in terms of ritual and the ceremony of the lodge, there is no doubt that in most people one of the strongest controlling factors is this psychic phase of life. There is no doubt that it can be used as a means of social control. The church formerly used it in this way. At the present time it is largely running wild and is being played with by so-called psychologists and behaviorists. Whatever their arguments may be, it goes right back to the old concepts of moral responsibility which the church enforced and used as a social control. I suggest to the behaviorists that they find a substitute for social control before they preach in the streets a doctrine which is a fine thing to discuss in the laboratory, but doubtful when peddled to the mass of people.

The community used to be a much more powerful agency of social control and preventive justice than it is at the present time. The

coming of the large city has largely changed this condition of affairs. The large city is full of "small towners" anxious to get away from the restraints of small communities.

Small communities used to be places where people knew all about their neighbor's business. People did not care to do things they were not supposed to do because their neighbors would talk about them and it might injure their social standing or their business position. Today people go to large cities where they do not know the names of their next door neighbors and get away with murder. Whether we can ever find, or reestablish, this old time social control, I do not know. This age doesn't want it. But if we are thoroughly convinced that this age doesn't want that sort of control, it seems to lead to the conclusion that we don't want preventive justice; that we want a sort of freedom of expression which is not contemplated by our present laws.

Perhaps this means that we should overhaul our laws. Perhaps it means that we should eliminate from the laws those which attempt to regulate morals. This may be a proper field of investigation for research work in the field of preventive justice. If so, we should honestly face the problem and proceed to work in that direction.

It might be of great benefit to reclassify our criminal law. It would increase the respect of the people for major offenses if we eliminated from the body of the criminal law the large number of minor offenses which have been written into it during the last few years.

### *The Prohibition Amendment*

Those who supported the prohibition amendment thought all that was necessary to give it universal respect was to write it into the Constitution. For many people the result has not been to increase respect for prohibition, but to decrease respect for the Constitution. The Constitution expresses what is respected and revered. It contains statements of fundamental principles generally agreed upon. Whenever a law states a fundamental proposition on which most people agree, it will be respected. You can not make people today respect anything by writing it into a law. They haven't that much respect for law, and it is to be doubted if the people of this country ever will have.

As a group of scientists we are faced by a hard problem. We have already eliminated the large group of people who are afraid of hard problems and are down to bedrock. We are going to estab-

lish a fact basis; we are going to set up some hypotheses and work them out; see where they go, regardless of where they lead. If one of our conclusions is that a large part of our criminal law is no longer desirable, then preventive justice would seem to dictate that a reclassification be made. At any rate, it would be profitable for us to study the problem. If we weren't convinced that it should be reclassified out of the present body of law, we should at least confirm our opinion that it belongs there and that would accomplish a great deal. Some sort of a reestablishment of confidence in the law, which was formerly had, and of that social control which came from whole hearted agreement with it, must be found or there will be a continued "subsidence of our foundations" as President Hoover said in an address not long ago.

### *Motion Pictures*

Some of the other forms of education which have come along with our more formal school systems have complicated this problem even further. One of the greatest contributing causes of crime at the present time is to be found in motion pictures. I am not suggesting that the motion pictures are making large contributions to crime because they teach methods of committing crimes,—I have no doubt that that does occur sometimes,—but the main reason why they are contributing to crime is that they are doing exactly the same thing that the schools are doing; they are giving us increased standards of living. The poor child or the underprivileged adult goes to the movies and sees a picture of life which he has understood in a dazed, hesitant sort of way in school. He wants the things he sees because they are pictured so realistically. The movies are probably a more effective method of education than our formal school system and, at the same time, as a by-product, they are just as effectively producing a state of mind which contributes to delinquency.

I am not suggesting that we eliminate the movies any more than that I should suggest that we eliminate our schools. We need them, we need increased intelligence, we need increased initiative and enthusiasm, but we need something to go along with them which will give us greater control and greater opportunity for effective self expression. About the only thing I can suggest as a means of preventive justice in this regard is that we establish better methods for giving people an opportunity to get the things that they want.

### *Stating Objectives*

It has been my experience that crime rarely comes out of a group of people who are doing a sort of work which they enjoy doing, and who are living a sort of life which they enjoy living. If our educational system could make such contributions toward everyday living that people might live more comfortable, happy lives, doing the sort of work they want to do, the crime problem might be solved in this way alone. It sounds easy, but it involves an entire reconstruction of our industrial and social systems. It is a hard problem, but the National Probation Association is the group to attack it. Here is the leadership to solve the problem.

All of my suggestions regarding preventive justice lead up to the development of a condition of life under which people can do the sort of thing they most like to do, and make a living at doing it. This is David Starr Jordan's definition of success,—doing the thing you most want to do and doing it well enough so some one else will pay you for it. If every one in his range of activity was able to achieve that sort of success we should not have a crime problem. There would still be, however, mental and moral defectives who would have to be under social control. I do not expect the millenium. Nor do I expect any substantial change in our present situation, except over a long period of time.

The objective of our program of preventive justice should be an objective based on a long period of time. We should plan for laying foundations, for getting results twenty or thirty years from now. One of the great difficulties in accomplishing results by governmental boards or commissions, or by city, or county, or state administration, which proceeds upon the idea that certain things must be accomplished within a certain time so they can be bragged about, lies in the fact that they do not think in terms of laying substantial foundations. We are pledged to this method of control under democratic government and we must go ahead on this basis, so far as the work of governing bodies is concerned.

The accomplishments in the preventive justice field depend upon the vision, the leadership, the scientific spirit and the enthusiasm of small groups of unofficial leaders. They cannot be visioned in terms of those who like to belong to organizations where their work is all cut out for them and where there are no departures from established customs. The limitation upon executive capacity comes at the point where the individual refuses to allow his imagination to go farther because it will bring him a greater burden of work. This

applies to industrial, as well as to governmental activities. The people who have courage, enthusiasm and imagination sufficient to make them great leaders, thin out at the top. Most of them reach a point where they refuse to heed their imaginations farther because it means more hard work for them during the period of reorganization.

It is the history of every new government that the first group which puts a new proposition over, the first commission appointed to do a given piece of work, is usually one of enthusiasm, vision and imagination. Once it has established a program and standardized procedure, and steps out, the work goes into the hands of bureaucrats who have no imagination, or who refuse to use their imagination.

This is especially true where we are adventuring into new fields. It is hard enough to convince people when the experiment has been successfully carried on in another state. It is even more difficult when the vision carries us beyond experience and calls for new procedure never before tried. It gives, however, the opportunity of real leadership. There is opportunity for accomplishment on the part of a group full of real professional spirit, if it knows where it is going, and is willing to do the work to accomplish the end.



# Changing the Public Attitude Toward Crime

CHESTER H. ROWELL

*San Francisco, California*

The subject given to me, is "Changing the Public Attitude Toward Crime." I think, "Informing and Educating the Public Attitude Toward Crime" would be better, because as a matter of fact, there is no such thing as a public attitude toward crime. There are many publics, with many attitudes. The only thing they have in common is that most of their attitudes are based on ignorance. If we can substitute information and enlightenment for ignorance, a much needed change can be made.

Truth can find its own way, provided there is a way, of getting the real facts that are true to people! Truth grows better and more easily than falsehood.

Our people have a habit of thinking slogans. Most of these slogans were invented in the Eighteenth Century. They were good slogans in their day. They represented a temporary philosophy which was the best to be had. We have all been taught that it is unpatriotic to know anything, or to think anything that wasn't known in 1789. We have gone on parroting these slogans into a life so complicated that for generations they have ceased to mean anything. If we could de-sloganize our mental processes it would go a long way toward enlightenment.

We have prejudices too. We have the hard-boiled and the soft-boiled attitude, both of which are wrong. We have two schools, "The Lock 'em Up and Beat 'em Up" school and "The Diagnosis and Cure Them" school.

## *Our Present Crusade*

We are in the midst of a great crusade in the United States, to improve the public's respect for the law. Chief Justice Taft has told us that the administration of criminal law in our country is a disgrace to civilization. President Hoover is making the major crusade of his administration a crusade to restore respect for law.



The President's crusade is directed primarily toward enforcing obedience and inculcating respect for a single law. The situation, in regard to that law, is a serious problem, because of its relationship to other laws.

Our people, as I said, are a slogan-minded people. If we were to repeal the slogans of Abraham Lincoln about obedience to law and respect for law, we must undertake the burden of educating a slogan-minded people to something better than slogans. This is difficult, so let us no matter what we as scientists think of slogans, recognize that if we are going to live by them we might learn to pick out the ones that contain some degree of truth.

The prohibition question, on which the President is conducting his great crusade, has had its effect on the general attitude toward lawlessness. This is a fact which we cannot overlook. It has its ramifications, practical and theoretical. The theoretic are the more important. It has this ramification. While the individual violator of the prohibition law commits merely a *malum prohibitum*, that is to say, all he does is to purchase a commodity which, in the past, always was and, except for the law, still would be a permissible article of commerce, whether this is a sin or not is for his conscience to decide. The business which he thereby makes prosperous touches almost everything else that is happening in your communities. Physical crime—murders, and riotous conduct of various sorts, are now made organized businesses, and highly capitalized. They can be equipped with armored cars and machine guns. Bootlegging as a business is accompanied by counterfeiting, robbery, bribery, and disciplined by organized murder. These things are not the *malum prohibitum* of the mere purchase of a forbidden commodity, which may or may not be a sin. They are real crimes and are attached to a business which has become one of the centers for this problem.

#### *Public Attitude Toward Crime*

The theoretical side is even more undermining in regard to the legalistic side of the public attitude toward crime.

In the beginning people simply debated for and against prohibition. This was wholesome. The foundation of democracy and liberty lies in the debate of controverted questions. Those who debated prohibition, however, soon discovered they were debating a hypothetical question in a moot court, because we had so embedded prohibition in the Constitution that unless we changed the Constitution we could pass no law inconsistent with it.

At first this dilemma was just debated. It is still debated by the ignorant and the muggle-headed. The intelligensia were driven into a corner. They saw that there was no way to modify this law substantially without first modifying the constitution, and that you could not modify the constitution without more votes than it was possible to get. They must therefore either obey and respect this law or defy it. The intelligensia have frankly and boldly taken the second attitude. They fill your magazines with articles of dialectic casuistry to prove that it is the right of any man to decide for himself whether or not he will obey a law which he thinks invades his moral rights, and that it is the right, the revolutionary right, of people in any community, if they do not like this law, to unite to destroy it by organized defiance. There is no question but that this can be done. You can physically make impossible the execution of any law if, in large numbers, you openly refuse to obey it.

### *Losing Respect for the Law*

The theory of whether it is good or bad philosophy, undermines the attitudes traditional to our people toward law. If you are going to take away the respect people have toward law; if you are to set up, upon the authority of skilled and highly placed thinkers, this doctrine that any person has the right to determine for himself what law he will obey, you put upon the people a metaphysical task beyond their ability either to refute the doctrine or to substitute for it some higher doctrine which would eliminate both sides of this legalistic controversy.

Neither can we escape the fact that if the highest placed people, intellectually and socially practice this sort of thing it transmits the notion to other people that they may choose the laws they will disobey. That the prohibition law is doing this has been proved without question.

There is also to be considered, the undermining of our ancient attitudes toward sin and crime. Many people do not know that sin and crime are different things. We have a generation that has repealed the Ten Commandments, abolished tradition, and obliterated sin from the human category. This may be a very wholesome attitude. Any sort of intellectual anarchy is a wholesome exercise if the brain is strong enough to see it through.

Modern philosophy began with Descartes, who said, "I will resolutely disbelieve everything that I am capable of disbelieving." He started by seeing whether he could disbelieve in his own existence and

he found he could do that. The one thing that he couldn't disbelieve was that he couldn't think that he didn't think. Out of resolutely disbelieving everything that he was capable of disbelieving he finally reconstructed the solid earth and human society, and all the orthodox theology of his time.

The intellectual and moral anarchy of our age, would be a tremendous exercise of the mind and the character for a new Descartes. We command all the "taboos" to stand and deliver and defend their rights. We challenge traditions of right and wrong. Nothing shall be right merely because our grandfathers said so. Nothing shall be right or wrong until we find it out for ourselves. This is the challenge of a new generation. It is a fine and high challenge for fine and high people who can carry it through, but an impossible burden for the sort of people who are their heirs. This intellectual anarchy and moral anarchy, out of which a new generation is going to develop something better than the traditional "tabooism" of our grandfathers, put upon the weaker part of our generation a burden that is too great for them.

You have upsets in the traditional legalistic and moral viewpoints; you have a society that is no longer "homogeneous" and in which there is no longer any pressure of public opinion. It is one of the curious things in our statistics that a thousand Italians in our country commit more crimes than a thousand Italians of the same type do in Italy; that a thousand Irishmen in our country commit more crimes than a thousand Irishmen in Ireland. So with every other nation and race. If the Italians commit more crimes it isn't because they are Italians. They do not commit so many crimes in Italy. They didn't do it even before they had a Mussolini. It is because they have been thrust, an undigested mass, into a new country without organized public opinion, and in whose activities they are supposed to share. An Italian peasant grows up in his native village where everybody knows him. His father and his grandfather were known before him. Certain traditions had been handed down. Everyone lived up to the standards of that village, or consciously fell below them and were therefore subject to its scorn. These things are true in any old and homogeneous community. Our communities are neither old nor homogeneous. There is no such thing as one public opinion in most of them, instead there are many public opinions with many people who do not belong to any of these "publics."

Under these circumstances, is it any wonder that there has been a great number of upsets, not merely among those who commit crimes, but also in society itself?

### *Lack of Civic Consciousness*

We are all against the other fellow's crime. We don't want men to commit crimes. Many of us are not willing to "pay the price" and stop the crimes of robbery, murder, and assault, crimes that the aristocracy were always against, because they were the crimes of the other fellow.

All of you who know Chicago know that you can live there all your life and not be concerned about the murders that are committed. These same Chicagoans say, "The only thing we regret about these murders is that there are not more of them. They do not shoot us, but they shoot each other, and they are good riddance. If we can only let them murder each other until they are all gone it will be the best thing that could happen." Cities which carry this attitude toward crime are without civic consciousness. We need a community whose civic conscience includes everyone; a community which will feel disgraced if one gang of bootleggers murders another.

Your help is needed to develop this civic feeling; to educate people in the subjects you know so well, and in that other attitude toward crime which is not legalistic. The legalistic attitude is needed, but it should be used in crimes of violence and with organized and professional criminals. When organized and professional criminals make organized war on society, society will have to make war on them. We have to catch them, lock them up, and put them where they cannot harm others. We recognize these facts, but we recognize them as "surgery methods" only to be applied in cases of great emergency.

The attitude towards crime which considers the criminal as well as the crime, which diagnoses the evil and on that diagnosis bases its prescription of a remedy, is not understood by society.

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### *The Twenty-Four Hour School*

The Governor, against tremendous pressure, recently signed a law to establish a Twenty-Four Hour School for pre-delinquent problem children. This school plans to keep the children as short a time as possible. In the cases where their condition calls for continuous observation and treatment it provides for these emergencies. There was a great deal of criticism, most of it was based upon the allegation that the Twenty-Four Hour School was a jail school, and secondly, upon certain primitive notions regarding the whole problem. It was stated that it would stigmatize the child for life. Yet, the chief

objection to the Twenty-Four Hour School was that it was not a jail school and that we were trying to put children in it that were not guilty of committing delinquencies, neither had they been convicted of anything, nor been in the courts. Critics said that it was an invasion of the rights of children and parents, and that it dealt with problem children. I have no doubt that all of us were problem children when we were young. The enemies of the law said it included all children. If a child stole a watermelon or threw a baseball into a neighbor's yard, any fussy person could get him locked in this "jail school" without being convicted of anything. This was the argument, an argument grotesquely aside from the social conditions and the language of the law.

The law however, was signed and will be tried. If these evils develop, it will be repealed.

We have had another experience in California,—you have had it in a better way in New York. It is called a "Crime Commission." We have had two crime commissions. The first Crime Commission, of course, was popular. It had to do wholly with the "hard boiled egg type." Its jurisdiction was confined to bettering methods of criminal procedure and ways of capturing the criminal convict and locking him up. If the criminal, for any reason, became an enemy to society, society must protect itself. This commission presented a long list of bills to the legislature, nearly all of which were passed.

### *The California Crime Commission*

I had some experience on the National Crime Commission. I was a perfunctory member, the rest were strikingly distinguished persons, too distinguished, I think, for efficiency. There were on it at least four candidates for the presidency. The Honorable Charles Evans Hughes, the Honorable Frank Lowden, Ex-Governor Hadley of Missouri, and the Honorable Newton Baker. There were four possible presidents, maybe one or two others, and many other well known people. Mrs. Derby, Theodore Roosevelt's daughter, was put at the head of one of the commissions.

After this Crime Commission had rendered its report, and most of it was accepted, Mr. Johnston was appointed head of the Sociological Commission. It was a fine commission, and conducted a thorough study. No member of the legislature was on it. A fine program of legislation was recommended, practically all of which was dumped contemptuously into the wastebasket. In other words, the moment you undertake to do anything scientific or constructive

about crime, you run against the established prejudices, and established practices, and the necessity of teaching people new things. There is a new legislature every two years. You teach a few of the group something, and they go home or do not get re-elected two years later. Then you have another legislature that doesn't know what has been done. You teach a few of them a part of what they need to know, and then they go home, and the same thing happens all over again. There is no end to it unless you can educate the whole people. If you can get over the information that there is a constructive, as well as a destructive attitude toward crime; that prisons are one remedy for crime, and playgrounds another; that decent outlets for the natural energies of people save a lot of indecent outlets for the same energies, better results will follow.

This situation is met with constantly: A person on probation commits a terrible crime. Every time this happens instantly there goes up a howl that the probation laws must be done away with and hardened criminals must cease to be turned loose on the people to repeat their crimes. You have figures to show the number of probationers who have made good. You can prove your case. One dramatic incident however is worth more in the eyes of the public than 10,000 statistical facts.

### *The Newspaper and Crime*

There is no question but what sensational accounts in the newspapers are more or less contagious. I do not think however, that much crime is "caught" in this way. Centuries of people have been raised on Grimm's Fairy Tales. The underlying thought in these stories is robbery, murder and fraud, and everything that is wicked and bad. Our children read them entirely unconscious that these qualities exist. They contain thoughts which stimulate their imaginations and do not corrupt them. In a larger way, I doubt if any ordinarily legitimate presentation of crime news induces a person to commit crime.

It is out of the question to lay down rules from the outside or inside that crime shall not be printed in the newspapers, except the rule that no news from the juvenile court shall be printed unless it is of a constructive nature and is given out by the court itself. To suppress crime news would be a greater evil than to print it. If you give it to the papers it will be printed freely. This means it will be printed as the newspaper editor chooses to print it, the way he thinks his people will want to read it.

I do not think that you need to use a repressive remedy with news-



papers. You have already found the futility of repressive remedies with criminals. Do not make the same mistake with newspapers. Apply to the newspapers and public sentiment, the same intelligence that you use with the criminal and the delinquent. Study them objectively, diagnose their deficiencies and having diagnosed their deficiencies, see if you cannot do something about them.

The editor does not want to do things wrong; he would prefer to do the right thing. For the most part however, he neither considers right nor wrong. Newspapers are a business. Their purpose is to sell papers. I am not saying it ought to be that way, but I am confessing that this is what has happened. The manager of each newspaper, is the circulation manager. Whatever will sell papers he wants; whatever will not sell papers, he does not think is worth printing or paying for. You have to recognize this situation and deal with it, because, right or wrong you cannot cure it.

Moreover, you must recognize the intellectual deficiency that is inherent in newspaper work, the deficiency of superficiality. I suppose the most successful newspaper man is my friend, Arthur Brisbane. You have heard his advice. He said, "Never lose your superficiality to a young newspaper man." There is nothing so dead as "yesterday" and there is nothing so non-existent as "tomorrow." The newspaper lives today. It deals with people whose interests are of today. What they will be interested in tomorrow nobody cares about, and what they were interested in yesterday they have forgotten.

So this whole attitude is an attitude that is superficial and temporary. As a newspaper man, talking to newspaper men, I might try to exhort them to see ahead and cure the condition themselves. You cannot do it for them. You can take it as it is and see what you can do with it. I think you can do a great deal because, as I said, while the editor doesn't care much whether the attitude toward crime news is right or wrong, he does care a little and he would rather it were right than wrong. If you will inform him on the matter at least you will get better treatment than if you do not inform him.

Take the matter of the so-called Twenty-Four Hour School about which we had so much controversy recently. If the editors who opposed it, had read that bill, they, at least, would not have assailed it so ignorantly. Somebody might have taken it around to them and read it to them. If the editors speak of you as sob-sisters, and they do, especially those of you who are of the masculine sex; if they attempt to look with contempt on everything they do not understand, the fact is, this attitude of theirs is one of the human frailties,—if there is

anything more contemptible than the fellow who is so ignorant that he doesn't know something I know, it is the fellow who is so offensive that he knows something that I don't know. Don't rub in the fact that the editor doesn't know. Begin perhaps by assuming that he does. Get a few of your facts before him and reduce them to categories that he thinks his people will understand. As a matter of fact, an editor is not a stupid person; he merely thinks other people are. If you can get through the editor's head that constructive methods are cheaper than destructive ones, that playgrounds are cheaper than prisons, that keeping people out of jail and making their own living is enormously cheaper than taking care of them in jail, maybe he will get these ideas through other people's heads.

People are very adolescent. They aren't fully grown yet. It takes them a long time to mature. We will have to grow with them. If we can all join in a recognition that we are members of society, that we have duties toward it, that there is social solidarity and that whatever injures any part of our community injures everybody, great good is bound to result. The work of increasing social consciousness and sense of social obligation is one of your jobs.



## The State and Probation

MRS. ANNA L. SAYLOR

*Director, California Department of Social Welfare  
Sacramento, California*

The World War thrust humanity into a maelstrom of vice and crime and after a decade of peace we still find ourselves in a whirlpool of unprecedented confusion, alarm, and with a limited understanding of the reasons why men, women and children are becoming delinquents and criminals in such ever increasing numbers.

Changing economic conditions, changing concepts of moral and spiritual forces, increasing disrespect for law and order, dilation of the public press on the foibles of the underworld, visualizing the *modus operandi* of criminal activities by the movies, clumsy criminal procedure and other causes too numerous to mention are factors which cannot be ignored in any intelligent discussion of the reasons why men become criminals.

Therefore the dominant question is, how are we to disentangle these forces so that we may see them uniformly, in their entirety and in their multiple relationships?

Modern society has been rapidly recognizing and applying the facts of science which have come to us through long centuries of observation, investigation, analysis, adaptation and a check on results, and today we find that, at least, a nucleus of scientific facts and principles have become established in almost all fields of human endeavor. But the one field in which society in general has shown little or no interest or even tolerance is the scientific approach to the human problems of delinquency and crime in this country except in a few spots, hence, no broad gauge remedies can be applied with any degree of success or certainty.

At present it is almost hazardous to compare crime conditions in the United States with those of other countries, even comparisons between the various states and the various counties in those states present grave difficulties, because no uniform or accurate records are available upon which to base conclusions.

### *Statistics and Crime*

It is true that both state and national crime commissions have

gathered an immense amount of data upon which to build future programs and much good has resulted, but lack of funds and trained personnel have too often ended in spasmodic and limited effort on the part of each. The startling statistics which these various commissions do report, indicate that every state has at some time or other, tried out almost every known punitive method for dealing with offenders,—from burning at the stake and hanging to letting them rot in jails and prisons or turning them loose upon society without money or friends and with hearts burning with revenge and hatred.

After decades of use, these methods have failed to reduce crime or reform criminals and all the theories on the subject of punishment have more or less broken down. Under such conditions it seems reasonable to expect that crime will continue to flourish and criminals to organize until every state understands the deep rooted reasons why men, women and children run counter to the law, and why communities should alter conditions which breed delinquents and criminals.

### *Crime Conditions*

In this connection it may not be amiss to mention the deplorable conditions in many county jails throughout the country, the lack of segregation of prisoners, the young from the old; the first offenders from hardened criminals; the diseased from the well; the convicted from those awaiting trial,—and the horrible practice of confining the insane and even children with the above named classes is almost beyond belief in this enlightened age. In addition to these, filthy and insanitary conditions, overcrowding, enforced idleness, unwholesome food and far too often politically minded sheriffs, jailors, and guards add greatly to the dangers of the situation.

Crime and delinquency are not localized in their influence, but spread as a social infection, affecting the moral and financial conditions of every state. We cannot emphasize too strongly or too often the fact that crime knows no local or state or national bounds.

The sooner we as a people take into account the fact that all systems of criminal procedure or justice, from the highest courts in the nation to the lowest courts in the cities are dealing with exactly the same kind of human material and problems, the sooner will we accept uniform standards of procedure. By socializing and humanizing such procedure we will make the administration of justice

more efficient from the monetary point of view and more effective from the standpoint of society.

It goes without saying that the state that exercises the right to punish should also exercise the right to prevent; hence there is no good reason why every state in the nation should not exercise some advisory and supervisory control over probation which has been universally accepted as the most effective and efficient method for dealing with adult and juvenile offenders. If the probation system is worth anything at all, its privileges should be extended uniformly throughout the nation.

Some fifty years ago the desire on the part of a few intelligent volunteer workers, detailed to the court in Boston to study individual delinquents and criminals, resulted in establishing the first probation system in the world.

### *State Supervision*

The desire on the part of a few intelligent persons engaged in the administration of probation, to extend its benefits uniformly to all sections of the nation has resulted in "state supervision of probation" in nineteen states in the Union and the enactment of the first probation law for federal courts in 1925.

The object of state participation in probation is to give delinquents and potential delinquents an opportunity to be kept out of the criminal class or if they find themselves in that class it is the business of the probation system to help them out of it if possible, regardless of the remoteness of the communities in which they live or the lack of social understanding by local authorities.

Under state supervision every community would have at least minimum standards of probation for meeting the individual needs of those who are in danger of becoming delinquents and criminals, and, would also develop the scientific approach to the entire problem.

No records, or inadequate records break down the whole theory of probation and render it useless,—while complete and uniform records make possible the scientific and human understanding of the various complex problems arising in the courts of the state and the interpretation of recorded statistics.

Where no records are kept the past history of the most dangerous and habitual criminals may not be known and habitual offenders who make a good appearance are often placed on probation because no social records concerning them or their families are available. Edward Hickman is an outstanding example of the last.

In one state it was discovered that within a period of ten years, 35 percent of all the crimes committed in that state had come from five delinquent families. This would not have happened if some records had been kept.

Aside from the moral obligations which states have to protect their citizens against the results of crime they have the following very definite reasons for exercising control over probation:

(1) Probation is a very definite part of the state's correctional system and is just as necessary for the protection of society and the reformation of offenders as are jails and prisons.

(2) Probation is the strong right arm of the court and its success or failure depends upon the judge's understanding of probation and the kind of officers he appoints to administer it. Therefore to add dignity and importance to local judges, several states have joined with the next smaller political subdivision, such as counties, in the payment of judges' salaries. In California the state pays one-half the salaries of superior court judges and the counties pay the other half. In Alabama the state appropriates around \$150,000 per year for the salaries of certain groups of probation officers. To make probation commensurate to the state's other correctional systems it would be well for each state to pay some part or all of probation officers' salaries.

(3) One-sixth of all state revenue is invested in state custodial institutions for defectives, delinquents and criminals. Under probation systems well administered jail and prison populations are reduced to a minimum.

(4) Some states, California included, contribute in part or entirely to the support of needy families whose fathers are incarcerated in state prisons. California is now granting state aid to nearly 1,000 such children.

(5) States can save immense sums of money by extending the right sort of probation to those who are not dangerous or habitual offenders because they can be made to work and support their families instead of the state caring for them. Some courts require probationers, who have no families to support, to make good stolen money or property or to repair whatever damages they may have caused. Under such procedure the probationary period becomes one of social and financial restitution and ceases to be anything like a coddling process.

(6) From studies which have been made in the various states concerning the cost of keeping offenders on probation, it has been found to be far more expensive to keep prisoners in a state prison

than to keep them on probation. For example, in California it costs fifteen times as much to keep a man in prison for one year as it does to keep him on probation for a similar period. The cost of keeping a prisoner in a state prison for one year averages \$365 while the cost of supervision under probation comes to a little more than \$25 a year.

The cost of keeping a boy in the Preston School of Industry averages \$600 a year and to keep him on probation costs less than \$100. A recent study of the probation work in one county in California, covering a twenty-year period, revealed the fact that in one block of 222 "felons" who might have occupied prison cells but who were placed under an unusually capable probation officer, only 17 of that number failed to make good and had to be sent to prison. In another block 49 "felons" were put on probation and the entire number became law abiding useful and honest citizens without the stigma of a prison sentence. In other words, this remarkable probation officer saved the state \$254 per day or \$92,710 a year, had the work been confined to that period, and for this great human service he received the magnificent sum of \$200 a month.

(7) The Annual National Crime bill has been variously estimated from \$3,500,000,000 to \$20,000,000,000. The wide range in estimate depends entirely upon the items or factors that are considered a part of the nation's crime bill. In addition to the cost of criminal courts and trials, police and detective systems, custodial institutions, etc. some include stolen property, burglary insurance or other things of a similar nature, but no one has had the courage to place a monetary value on the intangible losses.

(8) The largest piece of child welfare work in America is without general supervision or direction. From these facts alone one is compelled to believe that the states have a very just and definite interest in the financial as well as the moral aspects of probation. If business interests realized the actual cost of crime and delinquency, where probation is not operating, in comparison with its cost where it is operating successfully they would not only demand state supervision of probation but they would also demand that more probation officers be employed with better salaries and that schools be established for the training of probation officers in every city of any size in this nation. With all the standardized records, equipment and probation officers that money can provide, little can be accomplished unless probation officers see their job as a highly specialized profession and train themselves accordingly.

### *Undoing Damage Done*

After parents, teachers, preachers and others have failed to reclaim the erring one it requires education, experience, wisdom, character, courage, infinite patience and a good judgment of men on the part of the probation officer, to undo the failures which the child or adult has fallen heir to.

Perhaps no state has yet been able to do enough preventive work in the field of juvenile delinquency, or given enough protection to children whose homes are broken or whose parents are delinquents. We so often wait until the damage is done before constructive work is begun.

Sometime ago a boy in Oakland, California, burned over \$10,000,000 worth of property before he was dealt with, although his teachers had frequently predicted his career. During his trial he made the remark,—“I’d rather be the fire chief in Oakland than the President of the United States.” He was sent to the Sonoma State Home for Feeble-Minded, escaped, and on his way back to Oakland burned more valuable property.

Without the collection of uniform and accurate data and a central clearing house for its interpretation, very little light will ever be shed on the complex problems of criminology. Massachusetts, which has achieved such remarkable success with probation has over 700,000 individual case histories for the use of the courts. Today, California has at least fifty-eight varieties of probation, one for each of the fifty-eight counties of the state, but on August 14, 1929, she will fall in line with the other nineteen progressive states which have established state supervision. By adding the words “adult and juvenile probation” to the act under which the State Department of Social Welfare has functioned for twenty-five years, California will give the same direction to probation that she has long exercised over all fields of social welfare work in the state. The probation officers of the state have been discussing the need for some sort of state supervision for a number of years and at their 1928 state conference unanimously adopted a resolution to that effect, and the northern and southern California associations did likewise.

### *California's New Law*

It is entirely too early for California to predict results or even present plans but it is within the field of propriety to indicate what the law does and does not permit. The law does not permit the

department to appoint probation officers, fix their salaries or decide upon the number of officers required.

The law does permit the department to standardize and furnish uniform forms for keeping social records of adult and juvenile delinquents; it also permits the collection and interpretation of statistics; the holding of conferences with judges, probation committees, probation officers and other social workers as well as laymen who are interested in the work. There is nothing in the law which will prevent the department from making the value of probation so apparent to local courts that they will vie with each other in keeping up to the state's average of success.

### *A Well Developed Probation Plan*

The probation system, even with its administrative weaknesses, is without doubt the greatest forward step that has ever been taken in the name of social justice to the individual offender. The value of a well organized system administered by men and women whose lives are dedicated to human service cannot be exaggerated and the opportunities for educating the public to a more practical understanding of modern scientific methods for dealing with offenders are endless.

Every law school and teachers' college in the land should set up "required courses" for the purpose of teaching judges, lawyers, and teachers the best known methods for giving social cripples individualized and humanized treatment. When that glad day comes we will cease to administer justice from the legal standpoint alone and with no recognition of human values.

Judge Harry G. Gram of Springfield, Ohio, has so well said, "Few people really comprehend what probation is. To many it means a program of coddling criminals. It is anything but a coddling process and is the substitute for that which has been lacking in the child's home. It is a process of social reconstruction under the guidance of the court. It is the means employed to make useful citizens instead of confirmed criminals. It is the practical application of the fundamental teachings of Christianity."

To reach its highest state of perfection, probation needs to be standardized, advertised, popularized and used universally.

Every state in the Union is rich in resources for combating crime and when they are faithfully developed our annual crime bill running into billions of dollars will shrink and an army of fine manhood and womanhood will emerge from the wreckage as a glorious testimonial to the value of probation. State supervision of probation is essential to the attainment of this goal.



## The Work of The California Crime Commission

THE HONORABLE JAMES A. JOHNSTON

*Chairman, California Crime Commission*

*San Francisco, California*

A statement concerning the work of the California Crime Commission should be preceded by a statement concerning the work of the Commission for the Revision of Criminal Procedure and its report to the legislature in 1927.

The Commission for the Revision of Criminal Procedure recommended many amendments to the penal code, and was successful in having these changes enacted into law. Most of them had to do with speeding up court procedure and with increasing penalties for crime.

The outstanding accomplishments, included the Habitual Criminal Law, which was passed shortly after the Baumes Laws were put in effect in New York state. Another enactment separated the pleas in homicide cases where the plea of insanity was urged as a defense, requiring that the pleas be made separately and the issues charged separately, although it would be possible to try them by the same jury. The commission also made a beginning in standardizing instructions to juries by putting in the code a standard instruction on the questions of reasonable doubt. A further recommendation was made by the commission, that that body, or some other body, be appointed by the governor, as provided by the proposed statute to study crime causes generally.

Pursuant to this recommendation, the 1927 session of the legislature enacted a law providing for the appointment of the Crime Commission with this provision: "It shall be the duty of the California Crime Commission to make a study of the entire subject of crime, with particular reference to the conditions in the state of California, including the causes of crime; possible methods of prevention of crime; methods of detection of crime; apprehension of criminals; methods of prosecution of persons accused of crime, and the entire subject of penology. A survey was to be made of the entire field of crime and a report of the findings with conclu-



sions and recommendations, were to be submitted to the governor and the legislature of California which will convene in the year 1929." This seemed a large order.

### *The Appointment of the Crime Commission*

Subsequently the governor appointed a commission consisting of James A. Johnston, Chairman; W. A. Beasley who had been a judge of the Superior Court of Santa Clara County and judge pro tempore of the appellate court in this district; Buron Fitts, at that time Lieutenant Governor, and now District Attorney of Los Angeles County; W. H. Holland, Chief Probation Officer of Los Angeles; William R. McKay, formerly District Attorney of Kings County; Justin Miller, Dean of the School of Law at the University of Southern California, and U. S. Webb, Attorney General of California.

The commission began its work by making a study of the studies made by other commissions, including the reports of the American Bar Association, American Law Institute, Missouri Crime Survey, Minnesota Crime Commission, Georgia Crime Survey, New York Crime Commission, Cleveland Foundation, American Prison Association, Indiana Conference Committee on Delinquency, and the National Crime Commission.

We addressed ourselves to all officials of the state who might contact crime at any of the stages, including the justices of the supreme court and appellate courts, judges of every superior and police court, every district attorney, every sheriff, every coroner, and member of the legislature who, in addition to their interest as legislators, had experience in dealing with crime in other fields; the superintendents of schools in the counties and cities of first class. Then, in an endeavor to secure information from officials who did not respond, and to uncover views that might be held by the public generally, and be coaxed into voice by giving opportunity for public utterance, we had hearings in Los Angeles, San Francisco, Oakland, Berkeley, Sacramento, San Jose, and other places, and conferred with the faculties of the University of California and Stanford University.

We made a number of recommendations and some of those recommendations were passed by the legislative body. Most of them received executive approval, and will become laws ninety days following the adjournment of the legislature.

### *Bail*

We introduced three bills on the subject of bail. One bill had for its purpose the preventing of bail granting by telephone, by intermediaries, in open court or by correspondence.

Another bill regarding bail requires the district attorney to move for collection of the judgments when bail is forfeited.

A third bill regarding bail prevents the acceptance as security of any person or persons, or brokers, who were sureties on bail that had been forfeited, and was still outstanding and not collected.

These bills have been passed by both houses, signed by the governor and will become laws.

### *The Bureau of Criminal Identification*

Another bill which we think very important, has to do with the Bureau of Criminal Identification. It will make of this bureau, not only a Bureau of Criminal Identification, but a Bureau of Investigation and Apprehension. There are three main provisions of the bill: First, it provides that the bureau shall appoint special investigators who will be available on call to the peace officers of the various communities of the state. These investigators are to be specialists who will give the local communities the same opportunity that the cities have, because they will have practically the same talent for investigation of cases as have the metropolitan police departments. These investigators will follow clues, prepare the cases, and assist in the same manner that the police officers do in the larger cities. This seems to be necessary because in many cases the investigation of crimes happening in the interior of the state falls to officers untrained in police work.

Another provision of this bill provides that the Bureau of Criminal Identification and Apprehension may set up an organization and arrange for police schools. It is not intended that the bureau shall teach the police, but it is empowered to arrange for police schools.

### *Bureau of Statistics*

A third and important feature of the bill provides for a bureau of statistics in connection with the department. There is a variety of opinions on crime and its causes, and a decided lack of accurate information, as compared with the information secured from other problems. Under the terms of this section of the bill the bureau will provide the forms, set the time, and state the way in which the infor-

mation should be furnished by the various police and prison officials, heads of institutions, hospitals, homes, reformatories, state coroners, police, sheriffs, district attorneys, attorney general, the various departments, officers, boards, commissions, and the officers of the state who would have any information at all concerning the question of crime, its causes, or the follow-up on its conditions.

### *Educational Bills*

We recommended and had introduced three bills that were educational bills. The bills provided for ability and aptitude tests in the various grades of the schools. There were three bills, because our school code and the laws make separate provisions for the elementary, secondary and the part-time schools. The bills were similar in purport, and almost identical in language. All of them provided for ability and aptitude tests; for counsel and guidance, so that the pupils might adjust themselves and get the most possible good out of the curriculum and regime of the school, and in later years make satisfactory adjustment to life. The bills followed what is being done by the progressive educators of progressive communities.

They were misunderstood. They were pretty generally misrepresented. It is fairly easy to get enacted into law, the obvious; it is extremely difficult to get enacted into law those things that seem radical, even though they may not be. The bills had the approval of the State Superintendent of Public Instruction, Mr. Kersey; his immediate predecessor, William John Cooper, now in the national field of education; his predecessor, Mr. Will C. Wood, and Dr. Anita Muhl, Chief of the Division on Special Education in this department. However, there were a great many who looked askance at members of the Crime Commission interesting themselves in matters of education. They thought this very strange while we thought it was the right thing. The bills failed of passage. They were approved by a very large majority of the Committee on Education of the Senate, most of whom didn't vote for them after they were subjected to newspaper criticism.

### *Reporting Injuries*

There was another bill requiring physicians, nurses, hospitals, and those attending the injured, under certain circumstances, to report the injuries. That bill had as a motive the apprehension of offenders. Frequently, the clues of a crime are lost because the offense is com-

mitted in one section and the perpetrators are in another section. Sometimes they are in hospitals, or other places, receiving aid for their wounds. These facts we thought should be reported. This bill was passed by the legislature and approved by the governor.

### *Employment Bill*

We have in this state a very fine system of state free employment bureaus with offices in San Francisco, Los Angeles, Sacramento, Fresno, Stockton, San Jose, in both of the large valleys and down in the Imperial Valley at El Centro. This department is well managed, and renders a fine service to the state. But the managers of the free employment bureaus frequently find it difficult, if not impossible, to bring together the man wanting a job, and the job that is waiting for the right man. There are times in this state that we lack people to work in agricultural sections and other times when there is an abundance of labor.

The employment bill provided, or aimed to provide, the facilities so that the state, through its employment bureaus, could make advances for transportation, food, clothing, lodging, tools, etc., on a temporary and return basis. It was passed by the legislature, but did not receive executive approval because the question of its constitutionality was raised, due to the provision in the constitution which prevents free gifts of state money. We do many things along the same line, and for a similar purpose, that infringe quite as strongly on this constitutional provision. If the same question had been raised and argued as effectively, we should not have the Mothers' Pension Law in the state.

### *The Compromise Bill*

The Compromise Bill sets forth ways in which criminal cases should be compromised, not only legitimately, but legally, with the force of law behind the compromise.

Many cases of failure to provide are compromised where, perhaps, compromise is the best way to serve the interest of immediate parties, and the public generally. I cite this as an instance of the kind of cases with which you are, perhaps, most familiar. There are many other kinds of cases compromised, and all too frequently the terms of the compromise are not known. We have had in this state the spectacle of those who held important public office changing place in the

dock with those they had been prosecuting because of revelations concerning the way in which the cases were compromised.

This bill would have, and did provide a method of compromising the cases, and making the compromise a matter of court record. The bill was passed by the legislature, but did not receive executive approval.

### *The Firearms Law*

We have a firearms law in California which makes it necessary to secure a permit to carry concealed weapons, but it is not necessary to have a permit to purchase weapons. Many persons purchase weapons without a permit and then conceal them, or carry them concealed, without asking permission. It seemed to us a serious gap in the law. We saw no reason why persons carrying, and desiring to carry weapons capable of being concealed, should not give a complete record, including fingerprints, and have them filed with the state bureau. We saw no reason why the dealer should be permitted to sell any firearm, capable of concealment, without such a permit and such authorization. We tried to prevent the delivery of firearms until seventy-two hours after the permit had been granted.

The bill was not passed. In fact, it didn't get out of the committee. It was successfully lobbied to death by those engaged in the sale of firearms.

### *Productive Prison Labor*

The purpose of the bill regarding productive prison labor was to develop the industries of our prisons to the place where eventually every able bodied prisoner would be required to earn enough to support himself while in prison.

We have a good prison labor plan in this state, which may be divided roughly into three parts:

(1). The state use plan under which articles are made for departments and subdivisions of the state government, is working well, and has been on the books since 1911.

(2). We have the highway camp plan, under which men are sent far away from the prison into road camps, of which we have some six or seven in the state now. All of the camps are located at distances of 200 or 250 miles away from the prison. Roads are being built in the remote sections of the state, places where roads perhaps, wouldn't be built if the work was not being done by prison labor. This works very well. The men get time off, one day for every two

days' work on the highway, and a wage the net of which is not to exceed 75 cents a day, and averages about 50 cents a day for the industrious men who stay there a long while and learn to do the work. They leave with a fair stipend.

(3). Then there are the industries in the prisons, the products of which are sold to particular people, like the jute bags to the growers of the state,—under strict regulations.

We thought we saw, in the fairly well developed prison plan, a fine opportunity for betterment by providing, not a wage plan, but an earning plan requiring the prisoners to first earn their support. The work they would do would be measured in such manner that it would equal the cost of their support, and give them a share in the earnings thereafter. This bill passed both houses but because it did not meet the approval of all of those who would have to administer it, and whose support, if not enthusiasm, would be necessary to its success, it did not become a law.

### *Receivers of Stolen Property*

We introduced another bill aimed at the receivers of stolen property. The particular feature of the bill that aroused opposition, and prevented its being passed, was the feature that would make of possession, under certain circumstances, a *prima facie* case. This is similar to the law enacted in New York. We believe that there is warrant for the passing of such a law, and we find warrant, for example, in the table I shall read you, which shows how very few receivers of stolen property are convicted compared with those who do the stealing and use fences.

For example, in the year ending June 30, 1926, there was a total of 864 people received at San Quentin Prison alone on conviction of the crime of burglary, attempted burglary, larceny and robbery, whereas only 35 were received on conviction as receivers of stolen property. Throughout the United States, in the year 1928, there were 43,311 received in the prisons for burglary, attempted burglary, larceny and robbery, as against 1,248 as receivers of stolen property who were in the professional sense, involved in the burglaries, robberies and larcenies, for which there were convictions. There were a great many receivers of stolen property involved in those cases, and all, or nearly all of them, escaped punishment.

If we are to deal effectively with the repeater of crime, the one whom we generally class as a professional, who has the *modus operandi*, and, to a certain extent, makes a profession of crime, we

must get at the one who enables him to keep in the business,—the receiver of stolen property.

There were very effective and powerful forces arrayed in opposition to this bill, and it did not pass.

### *Instructions to Juries*

You are all familiar with the frequency of reversals in the upper courts because of error, and you know too, how frequently error is caused by mistakes in instructions.

As a means of simplifying procedure, we introduced three bills which had for their purpose the standardization of instructions to juries.

In 1927 we succeeded in this state in having enacted into law, a standard instruction on reasonable doubt. At this session we introduced standard instructions on the subject of flight, indirect or circumstantial evidence and expert witnesses.

The standard instructions on indirect or circumstantial evidence passed committees in both houses, the senate, but failed in the assembly.

The standard instructions on flight and on expert witnesses, passed both houses and received the governor's approval.

We recommended the following changes as an amendment to the probation law of the state: That all applications for probation, not just some of them, or occasional or whimsical ones, but all applications should be referred to the probation officer for investigation and report, and that the probation officer's report in each case must be in writing, and be presented to the judge as a matter of court record, and that the judge should be required to note the fact that the case was referred, report made, and report considered. The judge is not robbed, or deprived of any discretion heretofore held by him, as to whether the probation application should be granted or denied.

There was also a bill which aimed at making a crime of solicitation to commit a crime and another bill which took up instructing the jury, the purpose of which was to require a counsel to call a judge's attention to the error in instructions before the case went to the jury; that if the case went to the jury, that the error could not be complained of later if counsel sat mute while error was committed.

The Judicial Council of this state had a somewhat similar bill, perhaps a better bill, although a little more complicated, and it struck at another feature of procedure. It planned to give the instructions



before the argument, rather than after the argument. Because of the controversy over this feature, as well as the main theme, the bill was lost.

Another bill made attempted extortion a crime. Then there was a bill making a threat with an unloaded firearm, a crime.

There was also a bill relating to expert witnesses in a case where a plea of insanity is entered.

Since 1927 there has been a law in California which directs that if one desires to enter a plea of insanity he may do it in one of the following ways:—the plea of guilty; the plea of not guilty; the plea of not guilty by reason of insanity.

### *Pleas of Insanity*

In the event of a plea of not guilty by reason of insanity, this question is not mixed with questions of fact surrounding the offense with which the individual is charged, but is tried separately and the question of guilt or innocence of the crime itself, is tried separately. After this was enacted into law, there were several sensational cases in the state. One attracted nation-wide attention, the Hickman case. In this case, and in several others, there were entered pleas of not guilty by reason of insanity.

In checking the records we found that in the year from August 1, 1927 to July 31, 1928, there were 8,336 informations or indictments filed; of that number there were 98 cases in which the plea of insanity was entered; in only 13 of these cases was the plea of insanity successfully urged, and in 7 of the 13 cases the district attorney and the alienist called to his aid agreed that insanity was a proper defense and that the individual was insane. There were only 6 cases, outside of the 7 which I have put in another class, where the plea of insanity was successfully urged, but in those cases that attracted wide attention and caused considerable furor, there seemed to be one other abuse. This was the abuse of the use of expert testimony, and the conflict of opinion which made the issue a game. Public indignation was aroused over the fact that on one side was arrayed eminent alienists, or psychiatrists, testifying in one way and equally eminent and capable psychiatrists and alienists testifying for the other, in just the opposite way.

An analysis of the testimony of these alienists and insanity experts showed that they were not so far apart in their views. They were giving answers to entirely different sorts of questions and the



opinions which seemed to be different were merely opinions on a different set of circumstances.

In order to help these situations in the future, we recommended that in all cases where insanity is urged as a defense, the court call in the experts at least one of whom would be an alienist connected with the state hospital for the insane. They are called by the court and are available to both sides in the case.

However, because of "bad workmanship" in the text, or the amending that legislation sometimes suffers as it goes through a committee and the houses of legislature, it didn't come out in quite the form desired and therefore, did not receive approval.

### *Proceeding Against Offenders*

We recommended two constitutional amendments: One was rather radical, or at least it struck some of the members of the legislature as such.

We have in this state two ways of proceeding against an offender,—one by information, after preliminary hearing, and the other one by indictment by a grand jury. We sought to add a third and that was through the information direct, without preliminaries, giving three ways in which we could get through a trial quickly and speed up the machinery of the courts.

We thought that this would fit in our constitutional amendment, which provided for the waiver of a jury in all cases of felony, as well as misdemeanor, on consent of all parties. We have in this state now the waiver of jury and it is working well. The members of the legislature thought the bill was too radical and turned it down.

### *Other Bills*

A constitutional amendment, whose purpose it was not to require or compel the defendant to take the stand in his own behalf, but to give the district attorney the right to comment on the defendant's failure to take the stand, failed of passage, also.

The Crime Bill had to do with checks. It grew out of the desire to protect all negotiable paper and the credit that has been built up in our increasing use of instruments of credit, particularly checks. The main point of this bill, and the radical feature, if there is one in it, is that notice of protest, in case of insufficient funds, when the protest is for that reason and that reason alone, may be introduced in court as evidence without the calling of witnesses.

There was a constitutional question in this. It was debated long and resolved in favor of the law.

A bill was introduced also, to provide for a new prison, or intermediate prison. Perhaps it would not be out of line to call it a reformatory, but we are calling it an intermediate prison.

It seemed obvious, studying the conditions in the prisons, and checking on the census charts of population, and the rapid growth of California, that we should have need for cell room, even though we were making considerable progress in checking out.

A commission of the legislature was sent out to select a site for a prison. We thought the prison should have a particular purpose and function, and not be "just another prison." The bill that we recommended was enacted by the legislature, signed by the Governor and made a law. It provided for a prison which housed offenders in the age group, 18 to 24 years. It included those that we thought were just a little too old to go to the reform schools, and too young to be incarcerated in state prison, who are still susceptible of reformation and whose chances of being weaned from crime will be better by being incarcerated for the length of time designated in the sort of place we planned rather than in the regular prison.

Another bill combined our parole and Interdeterminate Sentence Law and our Credit Act. The main feature of it is that it keeps intact all of the substantial provisions of the Parole Law as we know it, the Interdeterminate Sentence Law, and the Credit Act. It makes it possible for prison directors to sit in and hear all cases involving the Interdeterminate Sentence Law, regardless of what minimum term may be incorporated in the code itself concerning that crime. For example, we have some cases in this state where, in the effort to deal with crimes of violence, 7 years is made the minimum penalty for one who commits a crime with a deadly weapon, or has a deadly weapon on him at the time of arrest. The minimum penalty is 15 years for anyone caught under like circumstances, who has previously been guilty of having committed a felony. A first term, under the same circumstances received a minimum penalty of 7 years; a second offender, a minimum term of 15 years. Previous to this a person who offended in this manner had to wait the minimum term, 7 years or 15 years, whatever it was, before a definite sentence was fixed. Under the new bill, governing authorities will be able to fix, at not less than the minimum penalty, the sentence after the serving of one year, and will be able to apply the credits that the prisoner may earn and have allowed him.

### *Continuance of Crime Commission*

Two other bills were adopted, not on our recommendation, though they probably grew out of our work. One was for a continuation of the Crime Commission. What we did say on that subject, in making our report, was the following: "It may be safely said that the changes in criminal procedure which were adopted at the last session of the legislature have been well received and are working. We believe the measure we are recommending likewise will be effective. But legislation regarding procedure and penalties is not sufficient. The greatest difficulties are in the field which precede the trial and in the fundamental, social, economical, educational and other conditions which contribute to crime. It is in these fields that much remains to be done. Provision must be made for continuous and thorough expert field studies of crime causes so that we may have incontrovertible facts to guide us in the best methods of preventing, detecting, apprehending, as well as of prosecuting and penalizing."

We feel that spasmodic studies of crime causes, and intermittent recommendations through legislatures to adopt more severe penalties to deal immediately with the thing that has just happened in our midst, are not the ways to cure, prevent, minimize or reduce crime. We feel that there is as much need for a continuing crime study body as there is for a state board of health or a board of education, and only on that basis can it be successful in the long run. I am glad to say that the legislature took this view and provided for a continuing crime commission, and also for a Department of Penology, which will include the Crime Commission, the Department of Prisons and Parole, the Advisory Pardon Board, the Narcotic Division, and the Bureau of Criminal Identification and Apprehension.

I believe with the laws passed, particularly the latter one, that we shall not feel the need for rush and haste in recommending measures, but will be continually on the job and so get the best results.

# The Adjustment of Older Delinquent Boys

O. H. CLOSE

*Superintendent, Preston School of Industry,  
Ione, California*

During the past nine years approximately 6,000 boys from all parts of California have entered the Preston School of Industry at Ione. The age range is from sixteen to twenty-one. This is a particularly interesting age. Adjustments are made more readily at this time than is commonly supposed by the average citizen who is inclined to doubt the ability of many youthful law violators to return to society and become useful citizens.

The Preston School of Industry has, as is true of most institutions of its type, a varied group of inmates. In addition to having its quota of psychopathic and mentally subnormal types, about 20 percent of its population is composed of Mexican boys, and about 15 percent are nonresident boys whose parents reside in other states. The Mexican group and the nonresidents add to the ordinary difficulties found in the placement and adjustment of the older delinquent boys. The parole department is operated as a part of the institutional program and is directly under the supervision of the superintendent. The central parole office is located at the school with a clerical staff to carry on the correspondence and keep the records. The school has approximately 125 boys to each parole officer. There are now 725 boys on parole with most of them located in Los Angeles, San Francisco and Alameda counties.

It is the policy of the parole department to begin its study of the boy's home conditions as early as possible after he is received in the school, provided he has a home located in the state. The information secured is helpful to the school and enables the parole officer to make suggestions to the parents for improvement of the home environment if such are needed. It serves to acquaint him also with many points useful in planning for the boy's return to society.

The parole regulations are not rigid and afford ample latitude for boys to take up work in any part of the state or outside of the state if it appears advantageous for them to do so.

### *Getting Ready for Parole*

Detailed instructions given in a class of several sessions each month conducted by the chief parole officer, give the boy about to be placed on parole a clear-cut explanation of his relationship to the parole department of the school. He is made to understand the full significance of the parole officer's relationship to him and the importance of keeping in touch with the school which is still responsible for his success or failure. Regardless of the efficiency of a parole organization, its success in the adjustment of the older boy who has spent a period in a correctional institution for supervision and training, depends largely upon the parole officer's ability to secure the cooperation of local officials, community agencies and individual citizens. The sponsoring of a young man by some individual, official or organization in the community, not only affords closer supervision but gives the young man support and friendship that the parole officer who represents the state and has a large number of cases to care for, cannot offer.

As 65 percent of the boys sent to the Preston School of Industry have been tried on probation one or more times, a boy's case is usually quite well known to the local probation department of the county from which he is committed. It is logical that the school parole department and the probation department should cooperate in the boy's rehabilitation and adjustment to society. The boy, although on parole from the school, is also a ward of the court. The probation officer being an officer of the court is therefore in a measure jointly responsible with the school parole officer for the supervision and care of paroled boys in his county. It has been the practice of the Preston School of Industry to enlist the probation officer's assistance particularly in the smaller communities where the parole officer makes fewer visits, and in those isolated parts of the state that it is difficult to visit regularly. The superintendent of the school plans to visit probation offices when traveling about the state and attend probation officers' meetings. To work harmoniously and in close conjunction with the probation officers is always advisable. Each parole officer is expected to work with the probation officers of his district and to secure their assistance in dealing with his cases when it appears that they can be helpful.

The fact that the probation officer as an officer of the court is usually largely responsible for the boy's commitment to an institution, may occasionally create a strained relationship between the probation officer and the boy after his release on parole but this is

true to only a limited extent and is less a factor than formerly. Probation officers are being recognized by the boys and their parents more and more as friends who can and will do their utmost to aid them in making a success of life rather than as officers standing ready to have them arrested for the first minor violation of their parole.

Probation officers of the state have aided the parole department by placing some of the problem parole cases temporarily in the detention home or jail until some adjustment could be worked out by the parole department. Probation officers with few exceptions have been very cooperative in helping the school adjust parole violators.

Due to the crowded conditions of the California institutions it has been necessary to tax the patience of the officials of the counties in asking for leniency in dealing with parole violators. Without their good will and cooperation many boys would have been returned to the school or been sent to the state penitentiary.

### *The Probation Officer and Parole*

It is possible in my opinion, although I realize some persons will disagree, to so develop the probation work of the state that the probation officers can properly assume charge of paroled cases from state institutions and thereby considerably reduce the cost of after-care work. This plan is not yet feasible but with the unifying and standardizing of probation work that should ultimately result from state supervision and probably through state financial aid, it is my belief that later most of the after-care work of state institutional wards will be turned over to probation officers. I see no serious obstacles to such a plan and believe a decided financial saving could be made, and equal if not greater efficiency in care and supervision secured. It will, of course, require more probation officers and specially trained workers. The larger probation offices already have a "set-up" that could function by adding more workers.

### *The Value of Agencies That Cooperate*

The Preston School of Industry secures some valuable assistance from private organizations of the state, notably the Jewish Committee for Personal Service in State Institutions. This organization has a paid staff for visitation of state institutions. Its social workers aid in the securing of employment and in the adjusting of cases of Jewish boys paroled from the Preston School of Industry and other institutions of the state. At the present time, this organization is

arranging the release and return of a Canadian Jewish boy to his parents. Last month assistance was given in the return of a Jewish boy to Chicago and another to St. Louis. A complicated problem between a Jewish young man and his wife was worked out a few months ago for the school by the secretary of this committee. This organization is very cooperative and has, during the eight years of its existence, proved its value to the state institutions in the businesslike assistance it has rendered in the adjustment of Jewish inmates.

The United Church Brotherhood of California, operating chiefly in Los Angeles County, deserves special mention for the aid it has given the Preston School of Industry. It has helped in the support of the school's religious program and has also endeavored to assist boys, particularly in Los Angeles County, when they were returned on parole. About two years ago one of its members placed a boy in his own business and today the boy is well established, and has a home of his own. The boy needed the guidance and assistance he secured from this member of the Church Brotherhood. This is an example of the assistance that is occasionally rendered through the school's connection with the Brotherhood organization. The Christian Science Churches of California maintain a full-time field worker at the school. The field worker is able from time to time to direct the attention of members of his church to boys that are being paroled in their respective communities. Occasionally some very able assistance is rendered boys through this channel.

The Big Brothers' organization of the Catholic Church at Los Angeles has been helpful in dealing with Catholic paroled boys sent to that city. Assistance has also been given by Catholic agencies in San Francisco. The school feels free to ask assistance from the various chapters of the Knights of Columbus of the state.

The chief parole officer and his assistants have, through several years' experience and service, made many valuable contacts with individual business and professional men who are willing to aid in the placement and supervision of paroled boys. Where a boy can be placed in a business with a superintendent, foreman or boss directly interested in his welfare, he has a decided advantage over the boy who is placed out to work without the support of some one in the organization directly interested in his progress and well-being. These valuable personal contacts are frequently made by the parole officers through service club committees.

The adjustment of the boys after they leave the school is an important and fascinating piece of social work. It is, if done well, constructive and pays big dividends on the amount of money invested.



The disciplinary and training program of the school, regardless of its efficiency, is decidedly lacking unless it is supported by proper placement and supervision of the boys after they leave the school. Parole work can be made effective only as it uses every agency at its command to assist in the guidance and supervision of the boys returned to society after their period of detention in an institution for training.



## Suggestions from the New York State Crime Studies

JANE M. HOEY

*Assistant Director, Welfare Council of New York City;*

*Member New York State Crime Commission.*

In 1925, a legislative committee in New York state, concerned about the apparent increase in crime, enacted the so-called Baumes laws, twenty in number, including the well-known Fourth Offender Act. In 1926, in accordance with a law introduced by Trubee Davison, later Assistant Secretary of War, the Crime Commission of New York state was organized, consisting of eleven members, six legislators, three from each house and five appointees of the Governor. All of the legislators are lawyers. The other members include two newspaper men, one physician, a former superintendent of the state police, and two social workers, one widely known in boys' work and myself. The commission has been continued each year since 1926 by special act of the legislature, carrying an appropriation of \$50,000 a year for its work. The members serve without remuneration.

The work of the commission was assigned to six sub-commissions: statistics; causes and effects of crime; police; penal institutions; courts, and adjustment of sentences, including probation and parole.

It would be impossible to give you in a short space a detailed statement of all of the studies made by the various sub-commissions during the past three years. Complete reports, however, may be secured by writing to the New York State Crime Commission at Albany, New York.

The methods of work employed by the commission included public hearings, visits to penal institutions and courts in New York and in adjoining states and Canada, and detailed studies of various phases of the problem by trained workers. Professor Raymond Moley of Columbia University served as research advisor and special studies were made of statistics, relation of the daily press to crime and the administration of justice by Professor Moley; on police, by Bruce Smith of the Bureau of Municipal Research, recently engaged for a year to study Chicago police methods; on probation, by W. Bruce

Cobb, a former judge; a case study of 145 men then in prison by the able director of probation in New York state, Frederick Moran; four environmental studies in urban and rural areas and three case studies of persistent truants, former truants and delinquent boys and their non-delinquent brothers, by Harry Shulman, instructor at Columbia University.

I have given you in some detail the organization of the commission and its methods of work, because I believe them to be somewhat unique as compared with other state and municipal crime commissions. In some states, the members have been limited to legislators and their concern has been primarily with criminal procedure and placing of new laws upon the statute books, these usually carrying heavy penalties for offenders. Little or no attention has been paid to the preventive aspects of the problem.

Other states have had very able and public spirited citizens serve on their commissions, but no members of the legislature have been included and the results have been often very excellent reports on research work and carefully drafted laws recommended, but the legislators, having no part in the work, have been little influenced by these.

With our combination of members of the legislature and laymen, representing different points of view, we believe that we have been able to accomplish more than would have been possible with another type of organization.

### *Methods of Work*

Public hearings seem to most people an utter waste of time, yet they have distinct educational value in arousing an interest on the part of the citizens of the state in the problem, as well as in sane methods of meeting the situation. Personal observation for short periods of time of penal institutions and of courts by untrained workers would also seem to have little value. On the other hand, where assemblymen and senators have personal knowledge of the need for new buildings and equipment for increased staffs with adequate salaries, they are more willing to fight for necessary appropriations to meet these needs.

When there were facts required which only skilled workers could secure, the commission was unanimous in agreeing to employ the best trained workers available to undertake these studies.

Probation officers seem to me to stand on a mountain peak. They view the whole crime situation from a vantage point attained by few

others concerned with this problem. They are in daily contact with people who have not been able to attain what we should like for ourselves and those we care for, namely, the opportunity to have a decent home and normal family life, physical and mental health, education in its broadest sense, which includes an appreciation of the beautiful things of life and develops an interest not only in a vocation, but avocations, employment suited to aptitudes and abilities, wholesome recreation and spiritual development. It is a great responsibility to feel that on them rests the obligation of telling not only other social workers but all those concerned with preventing human failure and developing the highest standards in community life, just what has been observed and what they think can be done to better a given situation.

Some may say why bother about so comparatively small a number as come to the attention of the courts. There will always be failures in life and your concern should be with the great mass of people who are unknown to our judicial machinery. But extreme conditions often force us to recognize and try to remedy a situation which affects great numbers of people to a lesser degree. Also the small group of individuals who come before the courts is a very small percentage of those who have been in difficulties, but this small number is a very costly one to any state and money spent in the apprehension and prosecution of offenders is taken away from more worthwhile projects, so we must reduce the number of offenders, if we are to benefit the larger group.

I feel that possibly the greatest contribution which our New York State Crime Commission has made, is to make known the facts already in the possession of social workers in a way to secure for them consideration, which is not always accorded to reports made under private auspices.

### *Collecting Data*

In fulfilling the purpose for which the commission was created "to study the crime situation" and recommend improvements, it became clear that data would have to be collected on what was actually happening to those accused of crime in the state. Therefore data was secured on practically all felony cases in New York state during 1925,—25,018 cases in all, of which 19,468 were from New York city. This number of felony prosecutions in New York city in one year is more than California carries on in three years or Minnesota in five. It was about the same as the entire number of

prosecutions for similar offenses in all of England and Wales in 1925.

Some very illuminating facts were revealed in this study:

1. Over 70 percent of the felonies were included under four divisions of crime: grand larceny, assault, burglary and robbery. This would indicate that we must concern ourselves primarily not with the occasional offender or the defective, but with the professional criminal.

2. For the most part these offenses were committed by men under the age of twenty-five.

3. The disposition of the cases is of great interest, but cannot be gone into in detail at this point. It is sufficient to say that only 15 percent of those arrested charged with major crime were actually imprisoned or fined. This would indicate that we are either arresting too many innocent people or allowing too many guilty people to escape through defects in our criminal procedure.

4. Twenty-nine percent of those whose guilt was established were given suspended sentences, including probation. In New York County where probation is highly developed, the rate of suspended sentences is the lowest in the state due to the fact that the staff is used extensively for investigation before the suspension of sentence and recommendation for such suspension is made with careful discrimination.

#### *Study Recommendations*

The recommendations growing out of this study included the establishment in the State Department of Corrections of a Division of Criminal Identification Records and Statistics, and similar bureaus in the police departments of all cities of 200,000 population or over. The state bureau has been established and an effort is now being made to adopt uniform records so that comparable statistics may be secured. We hope within a very short time to know what the real crime situation is in New York state and then plan our methods of correction and prevention in the light of facts and not opinions. If we could have in all states uniform criminal records then we might be in a very much better position to cope with the situation than we are at present.

The Sub-Commission on Courts made no detail studies, but confined its activities to suggesting legislation to simplify the criminal procedure, to add increased penalties for various types of offenses, and restrict the sale of pistols and machine guns. A number of new

laws were placed upon the statute books, but there has not been time enough to see their real effects.

Out of the police study grew the following recommendations:

1. That there be two policemen as a minimum for every thousand inhabitants.

2. That all police officers to become higher officials, lieutenants, captains, etc., shall be graduates of police training schools, to be established under the State Board of Regents. A school for state troopers and others who wish to attend has been in existence for a number of years.

3. Justices of the peace were to be limited to civil and administrative matters but this will probably take many years to effect.

The Sub-Commission on Penal Institutions submitted a report based purely on personal observations of the members of the commission. But over-crowding was so great, new buildings and equipment so badly needed, the need for increases in staff and higher pay for better type of workers was so obvious, that no detailed study at that time seemed necessary. Additional appropriations have been made to the Department of Correction for all institutions under its supervision and a new prison is now being built, so some gains have been made.

We still have a long way to go before we have adequate psychiatric service in all the institutions to classify prisoners properly, to say nothing of treating them. Neither have we made much dent in the industrial situation in institutions for many reasons, nor reached a point where a man's abilities and aptitudes are given much consideration in assigning him work.

### *The Adjustment of Sentences and Causes of Crime*

The study of probation in New York state revealed that sixteen counties still have no adult probation service; that the average salary for a probation officer is \$32.50 per week, and for this it is expected to obtain men and women who have exceptional qualifications and training and whose job it will be to mold human character; that the case load in many places was 200 to 250 per probation officer, and all too often only one or two visits per year were made to the homes of the probationers. There was no uniformity as to records, type of investigation and little or no supervision of workers even in some of the larger cities. While detailed recommendations were made as to ways in which probation service could be improved throughout the state, the most effective way to strengthen the work we thought

was to increase the staff of the State Probation Commission, so that trained workers could spend their time in going into communities, interesting local officials in developing this service and giving advice and encouragement to workers who were appointed. This has been done and three workers in addition to the secretary are now engaged in the work.

Our parole work we felt was almost nil as we had four parole officers to supervise all prisoners released from state prisons. A new full-time parole board has been established and the director has been made a Deputy Commissioner of Correction. Fourteen parole officers are now being engaged through civil service to begin this work, and we all recognize that it is only a beginning.

The Sub-Committee on Causes tried in various ways to get information on that very troublesome question. First, opinions were asked of the most important people representative of all occupations in different parts of the state. The majority agreed on the primary cause of crime,—“bad companionship.” We wanted to know what made the companions bad, so we tried another approach. We went to the great laboratories, prisons and reformatories, and made a case study of 145 men admitted during a two months period. This was revealing. In addition to giving us specific information which helped in understanding the individual criminal and how he is made, it pointed the way to more detailed studies of particular situations which seemed to affect the lives of so many of the men. From this study we were convinced that:

1. There is no unit cause of crime. In every case studied there were many causative factors, bad or broken homes, poor neighborhoods, difficulties in schools, drunkenness, feeble-mindedness, poverty, mental abnormalities, low moral standards and other factors which might result in antisocial conduct.

2. The majority of the men began their delinquent careers as children when they presented behavior problems in school and later became persistent truants.

3. Experiences with courts on commitments to public or private schools for delinquent children, jails, work houses or reformatories did not deter these offenders from committing other offenses.

4. Most of the men studied were employed in dead-end jobs, having had neither the training nor possibly the mental equipment to hold responsible positions.

5. Community organizations such as settlements, boys' clubs did not touch the lives of most of these offenders, but commercial

amusements, prize fights, gambling, cheap dances and vaudeville shows were their favorite recreations.

6. Except in a limited number of courts no adequate machinery was provided for obtaining social histories of the offenders and criminal records were seldom checked or verified.

7. Social agencies, courts, probation departments and correctional institutions acted as isolated units in their contacts with these men.

8. Instead of receiving custodial care for the rest of their natural lives a number of the men studied who were habitual offenders, feeble-minded or psychopathic, and whose past records indicated their inability to adjust themselves to normal community life were committed to correctional institutions for short terms and allowed to return to society, while men who were accidental offenders and could safely be at large were kept for long periods of time in the institutions.

Many recommendations were made on the basis of this study. None of them, however, required any legislation, but rather a reviewing of the present methods in vogue for handling criminals in order that we might face frankly the success or failure of these.

### *Boys of New York City*

We next undertook a study of 200 boys about to be committed to the truant school in New York city. From a study of their home conditions and their own previous records we found that many of the same conditions were present in their lives as we had found in the men who later arrived in prison. We predicted from this study that we recruited in greater proportion for the criminal class from the persistent truants than we did from the non-truants. The following year we checked this statement by a study of 250 boys committed six to eight years ago to the truant school to see what had happened to them in the meantime. On 49 percent we have no records, but of 51 percent or 127 boys we found that they had been arraigned in the short period of time 697 times and committed to institutions 460 times. Is this not a challenge to the present methods being utilized in our parental schools, our private and public schools for delinquent children, our reformatories and our prisons? Yet with all this information at hand we have not as yet been able to make our public authorities see the necessity for establishing within the school system psychiatric clinics for the examination of problem children. School authorities still think it an impossible task to adopt a curriculum to



meet the needs of these children. We found that most of the boys were left back as many as ten times in the fourth and fifth grades, yet they could not be admitted to the manual training classes until they had reached the seventh grade and they never got there. What a waste of human lives!

Four environmental studies were undertaken in two rural counties and two sections of New York city. These indicated a responsibility for crime which rested on all of the citizens of any community. In the sections producing the greatest number of juvenile delinquents we found an abundance of the cheapest types of poolroom, dance hall and moving picture house and very few social agencies providing wholesome recreation. Housing was extremely bad and because of the low wages of the father, usually the mother also had to go out to earn for the family. Therefore the children were allowed to go almost wholly unsupervised.

While certain things may be charged to environment and to personal defects, it was difficult for us to explain why it was possible to find in the same family three professional people and one criminal. This year we made a study of forty pairs of brothers between the ages of twelve and fifteen, one of whom got into difficulties serious enough to be brought into the children's court while the other was apparently normal and well adjusted. This study indicates one very important factor to be considered in planning the education of problem children. While the average intelligence of the so-called problem children was lower than that of the normal children, they were higher in mechanical ability, yet they had never had an opportunity to develop this ability within the school system.

The study of the press and its relation to crime and the administration of justice was particularly interesting in noting the bias with which some newspapers presented crime news; the great amount of space given to this type of news and the objectionable artists' conceptions utilized especially by the tabloids in attempting to depict a situation as they wished it to appear.

I have given you in this very brief summary some of the high lights in the studies of the New York State Crime Commission. Others that I think should be of interest to you in addition to the ones that concern themselves especially with probation, are those in which attempts have been made to get at the causes of crime. None of us can be successful in our work unless we make a contribution to the prevention of this very serious problem.

## DISCUSSION

JUDGE G. M. READ (Detroit, Michigan): I had always supposed and often asserted, that lawyers were the most reactionary people in the world. They never want to change. In my own state the lawyers were very much opposed, and are at all times, to any change in legal procedure for fear it will cut their fees. As a matter of fact, every change in the laws, from time to time, has increased the law business and given them more work. But I think, as stated by our last speaker, that the public in general is opposed to changes. Just why, I do not know, but apparently it is not willing to try out something new.

I am happy to find out about the twenty-four hour school and I prophesy success for it. I hope my own state may follow this plan.

## Coordinating Probation With Institutional Training\*

CHARLES L. CHUTE

*General Secretary, National Probation Association*

The subject which has been assigned to me is a challenge to correctly weigh the relative values of two of the leading methods for dealing with delinquents and to seek to adjust their claims and allocate their usages within a nice functional adjustment. Such a feat is beyond my powers, and you must not be surprised, if true to custom, I speak mostly of the former, namely of the work of probation and attempt to tell why it does or does not, or why it should or should not, coordinate with the work of the institution. I am going to divide my subject into four parts and shall ask and attempt to answer four questions:

1. Is there coordination today between probation work and institutional training?
2. Should there be such coordination?
3. Is it possible today?
4. How may it be brought about?

### *Is There Coordination?*

This will be the easiest of the four questions to answer. Unequivocally no; there is a decided lack of coordination between these two methods or stages in the treatment of delinquents whose behavior problems have made them a public concern. There is, as I have seen it, not only a decided lack of actual cooperation, exchange of information and coordination of methods and treatment, but more fundamentally, there are misunderstandings, severe criticisms and conflicting claims and sometimes bad feeling apparent on one or both sides. Increasingly it seems to me I am hearing from juvenile court judges and probation officers in various states, that they are using the juvenile institutions less or "only as a last resort". In more than one state I hear it stated that the state industrial school is no

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place for a boy if there is any other possible way to handle him. Frequently I hear that institutions put discharged children back into a community without notifying the local juvenile court; again that paroled children are not given intensive supervision or aid and that they speedily come back to court for other offenses. In some states I hear of the entire inadequacy of the state institutions both for boys and girls. They are full and the demoralizing situation occurs when the court commits the boy or girl and they must wait, sometimes several months, at home in bad surroundings or in a detention home unfitted for long detention.

On the other side, the institution complains that the court probation officers, badly trained and overworked, give but lax and ineffective guidance to youngsters on probation, instead of bringing them up sharply when they have gone quite wrong. The institution worker says, often with truth, that the court assumes an easy-going sentimental policy, continuing probation too long, often placing the same child on probation repeatedly, sometimes as many as six times; then when the youngster is finally sent to an institution, he is fairly spoiled and hard to discipline and control. The institution says, truly in many cases, that the court fails to send a full record of its social investigation and treatment. A full report from the probation officer, after long urging by the institutions, is now being sent with the committed child by many of the well manned courts, such as those of New York city, Chicago, Boston, etc., but others, it is complained, send only a summary or nothing at all. Institutions say, often with truth, that the probation officers have no adequate records themselves, so they cannot send them. Institutions and courts fail to visit each other and to learn what the other is doing. There is no adequate consultation on cases which each is handling.

These are instances, all too common, of lack of cooperation and coordination. The lack of understanding is more fundamental. The juvenile court, with all its shortcomings and failure to attain its ideals, is, however, fundamentally right. Its purposes and aims are entirely social and scientific. It is not a criminal court. Its object is not to punish but to understand and "save" children. It is stated in many of the juvenile court laws that the court's sole purpose is to deal with the child as would a wise parent. It is to this end that probation is used. What is probation? It is not punishment, it is not surveillance. It has not for its object the taking away of the child's liberty except so far as is best for the child in carrying out its parental function. It only tries to protect and help the child for his own good. There is no stigma or publicity connected with proba-

tion treatment. (In practice there often is, but there never need be.) On the other hand, there is effective control when the right type of probation officer is fitted to the right boy or girl. An entirely friendly, confidential, helpful relationship is established. There is direct, constructive dealing with the home and the entire natural environment of the child, not taking him out of it and putting him in an abnormal atmosphere of restraint and repression. There is an appeal to the child's pride and self reliance and there is real adjustment in a normal environment. Can the institution offer these things? I believe that you will agree with me that it cannot, that it is not supposed to do so. Also, for there are no better friends of the probation system than the broadminded institutional heads, that probation should be used in every case where it can possibly be made to work if, (and it is a large if), there can be the kind of probation that I have described. Lax probation care cannot get these results and you will of course agree that even with the very best probation, there is a group that cannot profit by it, who when tried, fail. Here the institution should come in.

But the institutions, what of their aims and spirit? These vary almost as much as the juvenile courts, in practice, though they are older and better established; but they have, in one sense, more to contend with. A very shrewd social worker from England who has lately spent six months visiting both the institutions and the juvenile courts in the United States has told me that he was much disappointed with our institutions. They were, he thought, not nearly so well managed as the Home Office School for Delinquent Children in his country, especially in being more severe and erratic in their discipline and in their military regime features. On the other hand, he found our juvenile courts, with all their defects and inequalities, far ahead of those in England. Our older industrial schools and reformatories did not develop as schools or as homes. Established at a time when punishment for crimes was thought to be a divine necessity, they have been distinctly a part of the punishment or prison system. Many of them have gotten away from that in practice, but they tend to revert to first principles. Many of them are far behind in the use of social case work and the newer psychiatric methods for diagnosis and treatment. Many institutions practice more or less mass treatment. They retain their uniforms and military control. There is little real liberty or chance for individual development.

For this condition in the institutions, the courts reflecting the public attitude, are in part responsible.

Some courts and probation officers, equally wrong in their atti-

tude, relying on punishment and threats, tell the child he will be "sent up" if he fails to keep the probation conditions. They haunt the child and his parents with the fear of the institution, so that he goes to it expecting it to be a place of punishment, rather than a more intensive form of social treatment, which it should be.

To show how the institution sometimes fails to relate its work to the social background of the child, and also to show the common lack of coordination and cooperation between the agencies dealing with the delinquent, I will cite the following authentic case:

A white boy of fifteen was recently sent by a state industrial school to a psychopathic hospital for an examination after he had been an inmate of the school off and on for five years. He had been an increasing problem in the school. Previously he had been in the juvenile court twice and on probation. He had one short period of parole from the industrial school, but was soon brought back. The school made the following report to the clinic where he was sent for a mental examination: "He had fifty misconduct reports in the file. He craves tobacco, chews and smokes and will apparently do anything to get it. Breaks into rooms. Gets into automobiles. Has other boys get it for him. Sex offenses. He committed sodomy at various times." They report that corrective measures are unsatisfactory. That he is subject to violent emotional outbreaks. That he is a danger and detriment to the other boys. They consider him to be insane and a potential murderer. This boy had been having institutional treatment since he was ten years old. There is no evidence that he had been given anything but the routine institutional care. Nothing had been done to adjust him to life and nothing had been done to adjust his home.

The clinic, an exceptionally good one, reported as follows: "The mental examination revealed nothing abnormal. There is no evidence of emotional inadequacy. He had a good understanding of conditions leading up to his difficulties and an understanding of some of the conditions necessary to improve them. Marked conflict over sex delinquencies was present, especially in regard to masturbation. He discussed his homo-sexual difficulties frankly and explained them on the basis that such practices were common in the industrial school, although he states that he participated less in them than many of the others and worried about them a great deal. . . . During the four weeks in the hospital, no abnormal trends were observed, except that he appeared to be a very shrewd and clever youngster, with a marked craving for tobacco. . . . There were no emotional

outbreaks, and there was very little difficulty in handling him as a discipline problem."

After interviewing the parents and explaining the entire situation to them and also explaining matters thoroughly to the boy, he was placed back in his own home, under supervision. He was required to go to school for the rest of the year and assist his father in his greenhouse each day. He was to receive an allowance of one dollar a week and there was to be no restraint or criticism placed on his smoking. He was to be allowed a reasonable amount of freedom to go to shows, to be out at night with other boys and to associate with children of his own age, as a normal boy should. Any difficulty was to be immediately reported to the clinic, whose social worker was to see him at least once a week.

Every recommendation of the clinic was carried out except one, that he join some organization of boys. The boy had been under the care of the clinic only a few months when the case was studied,—too short a time to determine the final results, but so far, he has shown marked improvement and seems to be on the road to a successful adjustment of his difficulties.

I have cited this case chiefly to suggest that a more social treatment of this essentially normal boy earlier in his career and a closer coordination of the work of the court, the institution and the clinic might well have avoided the long commitment and the development of a situation which without timely expert aid, might have made the boy a life long failure.

#### *Should There Be Coordination?*

My second question, should there be a better coordination between probation work and institutional training has by implication been already answered. Can anyone doubt for a moment that this is most desirable? In fact, I feel that probation and institutional care should be but parts of one continuous system. Does this seem strange after the criticisms I have levelled at both the court and the institution? None of us thinks for a moment that the probation officers can take care of all the children needing attention in the community. They can't even take care of all delinquent children. The probation service can and should investigate the cases of all children needing court action, where authority greater than that of the school or welfare agencies must be brought to bear on child or parents, where specialized treatment of delinquency in child or parents must be given or where the child must be removed from his home. All children investigated, where there is a reasonable chance that they



may be adjusted in their homes, or in another home in the community, should be treated under a probation plan fitted to them. The others, a small proportion needing more specialized care, may be sent to clinics, hospitals, or temporary institutional homes for observation or directly to the training institution where the need is clear or where the probation or temporary plan fails. Never in the child's mind or in that of the parents or of the public, should institutional care be set apart as different in motive or method from probation or any other form of community treatment. Both should be social, educational treatment. The two should be coordinated. Usually probation should be tried first, though there are cases where proper diagnosis at the start would show that the more intensive care and observation of the institution are needed at once.

Without doubt, probation everywhere needs to become more intensive and more scientific. It needs to do what many institutions have done in the way of furnishing special schooling, institutional work, real guidance and a good home. Efficient probation work could secure all these for the child in the community. Probation of course, needs to be better manned and more efficient to take its place in the coordination.

On the other hand, the institution ought to be simply a more intensive kind of probation treatment. The child, I believe, should pass from probation in the community to the care of the institution without elaborate court commitment in many cases. If possible he ought to go without fear or tears and generally (if the institutions are what they should be) with the child's and the parents' consent.

Recently, I had an experience with a delinquent boy of fifteen in my own community. His home was broken by the death of his mother four years ago. His father failed to understand and help the boy. He became a truant and failure in school. Lately he has become an even more serious problem, as he has repeatedly stolen money at school and elsewhere. We have worked with the case through the school instead of taking the boy to court. After the last serious episode it became clear that something more than probation must be done. The boy wanted to leave home and get a job, but it was not at all difficult to persuade him and his father that he was not ready to shift for himself, not prepared for work and needed the training of an institutional school for a while. As a result, the father readily agreed to pay board for the boy on a voluntary commitment basis (thereby incidentally, saving money for the taxpayers), and the boy when the decision was made, could hardly

wait to be sent. He went on his way happily to the children's village, because it was represented to him properly, I think, as a place where he would get the guidance, the education and the home he needed.

An institution should not be feared nor hated. If it is, how can there be real education or rehabilitation? The child's mind and heart must be reached and enlisted.

### *Is Coordination Possible Today?*

I am leading up to my third point, is coordination of probation and institutional treatment possible? It is, without doubt, to a much greater extent than has been the case. When probation is more efficient and better manned with trained workers and enough of them, and when institutions get away from some of their present methods and become homes and schools, when representatives of both agencies meet regularly to consult on cases they are both interested in, there can be no good reason why the ideal of one continuous social program of treatment of the child delinquent cannot be carried out, before, during and after the institution.

### *How May Coordination Be Brought About?*

This leads up to the last question. How may coordination be brought about? Fundamentally, by improving the standards and personnel of the court; and, as I see it, by an even greater change in the concept of the institution, a change on the part of the court, the public, and often, on the part of the institutional management itself. This change of concept must be based on a real change of attitude and method on the part of the institution,—a change from a disciplinary, semi-penal, mass treatment place to a home school, where individualized social treatment is possible. This change, it seems to me, will be greatly facilitated by making the institution much smaller as to population—much more a place for special treatment of problem children; letting probation and other social measures in the community treat and adjust, through case-work methods, just as many children as possible.

Some practical suggestions for bringing about the desired coordination are these:

1. Make probation work more intensive and scientific, manned with adequate staffs of trained workers, with clinics operating in the courts. Then only shall we have the wise selection

of children who need the care of our various types of institutions.

2. The court and the institution should work together as closely as possible. The superintendent or representative of the institution should visit the court and when possible should consult regarding commitments before they are made. The judge should visit the institution. The probation officer who has a boy or girl in his care should, whenever possible, go with the child to the institution, perhaps remaining a day or more and help him to get adjusted. A full case record should accompany the child to the institution. These should be supplemented by consultation at the start and as the case progresses, between the superintendent or social service worker of the institution and the probation officer who knows the child best. The court should not discharge a child absolutely when it is sent to an institution. He should still remain in the court's jurisdiction—a ward of the court. The probation officer should visit the child in the institution and also, most important, should visit and keep in touch with the child's home while he is in the institution.
3. The court should, of course, be notified of the release of the child from the institution and I think, should have some voice in deciding it. I am not one of those who believe that the court and the probation department should lose all interest and responsibility for the child when he goes away to an institution. That is not coordination. The court is the community agency for care of delinquent children and as such, is closer to the home and the child than the institution can ordinarily be.
4. I have always felt that there were a great many cogent reasons why the actual supervision or guidance of children on parole from an institution, should be carried on by the local probation officers. They are in the community all the time and know the community, the child, and his parents or guardians. They can command the community resources. They can give closer supervision or guidance than the traveling representative of the institution can usually give. An institution can seldom develop a staff of parole officers to adequately cover its field. Even though one parole office is developed to serve all state industrial schools, as in Massachusetts, there is still a duplication of two separate agencies covering the state and doing practically identical work. Parole supervision of chil-

dren is in no essential different from probation supervision before commitment. I believe the main reason which has led institutions to insist on their own parole officers is the lack of a system of cooperation with the courts and the inadequacy of the probation staffs. With these remedied I am sure that the institutions can and will increasingly utilize the probation offices in the supervision of paroled children. Parole supervision after the child is released from the institution is now being successfully carried on by the local probation departments in a number of cities,—why not in all?

To sum up, there is a deplorable lack of coordination of probation work and institution care today. These elements should be closely correlated in a continuous plan of treatment for the child needing care. Clearly this can be done by the meeting and cooperation of court and institutional workers, through visits by the probation officer to the institution, the exchange of all information, and by continuing the responsibility and interest of the court, including responsibility for guidance of the child on parole from the institution, and, finally, by the adoption of the same social, parental principles of care, with an increasingly efficient trained personnel, both in the court and the institution.

## Case Work Responsibility of Juvenile Courts\*

GRACE ABBOTT

*Chief, United States Children's Bureau*

*Washington, D. C.*

The juvenile court as an institution is thirty years old. Probation is older. We have now passed the stage of enthusiastic and even extravagant statements of what such courts will be able to accomplish and are subjecting them to a searching examination of what they are doing or perhaps more accurately what they are not doing. This is undoubtedly a great disappointment to many. Changing from the discussion of the wisdom of a plan to actually making it work is always hard. The enthusiasm of very few remains for the hard, slow, uphill administrative work which never ends, since institutions that live must change to meet changing conditions. That enthusiasm, so useful in the legislative period, has, let us hope, been transferred to the next social reform which is in what might be called the propaganda stage while we are holding those who are really interested in the slow development of the possibilities of the court.

The subject assigned me implies that I am perhaps going to defend or deny the statement that the juvenile courts can be expected to do case work with children. This would raise the very fundamental question as to whether we were or were not on the right track when we insisted that in so far as the courts deal with delinquent children their cases should be tried by specially organized tribunals, which would have as their objective, cure, not punishment. It seems to me unnecessary to support the soundness of the general conclusion which was reached thirty years ago. It would be like trying to argue whether the public school can really teach children. We have today a quite different conception of what case work for delinquent children should be than we had before any social case work had been done with delinquents, before any scientific study had been given to the subject of juvenile delinquency. There have been fundamental changes in recent years in our whole conception of education. For

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example, Dr. Groves points out that "increasingly our schools are not merely the guardian of past culture but the medium through which social achievement is made possible." The juvenile court must then be enabled to function so as to meet advancing standards of what constitutes case work for children who must be brought before the court just as the schools must meet the new conception of the educational needs of children.

I should like to make my subject a consideration of the difficulties the juvenile court faces in maintaining a high standard of case work. But as an introduction to my very brief remarks on this subject, I want first to acknowledge our indebtedness to law and legal thinking in the development of social case work as we know it today. You will all recall, I am sure, how heavily Miss Richmond drew on legal conceptions in Part I of *Social Diagnosis*, which she called "social evidence." This indebtedness to law like most indebtedness that is incurred has not been an unmixed blessing. Legal conceptions may be a hindrance to us in developing a better understanding of social relationships. However, it is only one so young that he is without experience who is not put to the necessity of deciding whether to discard or to accept what he once believed to be truth. All scientists must make this choice not once but over and over again.

As social workers we have used the rules of legal evidence in establishing facts, and in common with the legal profession we are under the necessity of developing the capacity to analyze a problem with which we are confronted and utilize intelligently the services of experts in various and unrelated fields. Our task is at once more difficult and easier than the lawyer's. We must take into consideration more constantly than he social relationships rather than individual rights. On the other hand we can without any hesitation direct our efforts to determining what is in the interest of the general welfare rather than the welfare of an individual client, and we are not bound to follow precedents as the lawyer and judge are, although here too we are not entirely free.

When the juvenile courts undertook the task of preventing delinquency, what were some of the handicaps with which they began? They were, of course, part of a system of our legal organization which was founded on the idea that justice required treating everyone who had committed the same offense in the same way, and that punishment was the means of deterring or preventing crime. As one after another of the old types of punishment had been abandoned, the only punishments that remained were fine and imprison-

ment. Probation was giving the offender another chance before punishment was decided upon. The facts in the case were theoretically fully developed for the court by opposing counsel, and the judge decided wholly on the evidence before him. The safeguards with which the accused were surrounded were to prevent an innocent man from being punished.

Dean Pound has pointed out that the great problem of the law is that of maintaining a balance between the need of stability, with which our conception of justice is involved, and the need for adjustment to changing conditions. The juvenile court was handicapped, therefore, from the social work standpoint because it was a court bound by the traditions that have developed through the centuries. But this weakness is the reason why it must be made to function in accordance with our developing standards of what is in the interest of children. It is in other words a judicial agency and has the authority that only the courts possess.

Has any real progress been made by the juvenile court? Anyone of us could present evidence which would indicate that there had been very little if any progress in the last thirty years. For example, sentencing a child six years of age to fifteen years in a reformatory, which the papers tell us is a Kentucky judge's decision of what will promote the interests of society, is more harsh than the old common law. While we ought to keep steadily in mind the legal crimes which are still being committed against children, it would be as unfair to measure the progress that has been made only by these conspicuous failures, as to consider in our judgment of a health program only those counties in which the educational work has been so well done that the death-rate has been greatly reduced.

At the Interracial Conference which met in Washington this winter, it seemed to me that I had a sense of how far we had traveled. The old conception of justice is that the same kind of evidence shall always be admitted or excluded, as the case may be, in determining both action and intent, and that each offender shall receive exactly the same treatment for the same act with the same intent. It was, of course, generally agreed that measured by this standard the Negro did not get justice in most of our courts. These would not be tests by which we could measure whether Negro children were being fairly treated in our juvenile courts. In the juvenile courts children are all treated alike only when they are all treated differently. The question is not what should be done for particular types of offenses but for individual children.

Negro children are being treated the same as white children if



their cases are as carefully studied by social investigator and psychiatrist, as are those of other children, if a proportionate number of probation officers equally well trained are assigned to their supervision, and if equally good institutional or foster-home care is available for those who must be removed from their own homes. Of course, measured by these standards, justice is probably not frequently available to the delinquent Negro child. My thesis is, however, the changed conception of what constitutes justice for children. This conception is very slowly influencing opinion as to what constitutes justice for adults, and we shall probably not have the new justice available for all children who are brought before the courts until the general public is prepared to believe that a more scientific treatment of the adult offender constitutes justice.

In our early thinking about the court we were helped by the conception of the state as a father in dealing with the children who had developed conduct problems. Statutes frequently provide that the juvenile court judge is to proceed as a "wise" father would in his decision as to what should be done. I suppose the "father" idea was emphasized because, however modest he might be about his knowledge of what the children should be fed or how they should be taught, the father usually thought he did know how to make them behave, and discipline, particularly that requiring on occasion a strong right arm, was reserved for him. This conception of a "wise father" is of little assistance to us now. Today we are saying that if punishment is to be administered it must not be delayed,—its value is proportionate to its promptness. Moreover, the father's usefulness in child-training which we now know is much more important than it was sometimes held to be,—is reduced by this specialization in punishment. The state acts as a "wise" father in providing adequate schools and playgrounds; when it comes to dealing with delinquency a different conception is needed. The "wise" father or mother does not know what to do with serious conduct problems. The most that we can expect is that by their joint intelligence and affectionate understanding they will be able to put into practice the general principles of child-training which will help to prevent the development of conduct problems. When abnormal conditions develop the wise parent will secure the help of the specialist just as he calls in the doctor when the child has a fever.

The juvenile court is one of the community agencies that is responsible for the prevention of delinquency. It is only one. While it does not always reflect our present knowledge of what is the best social practice, the other agencies probably fail even more seriously

when their opportunity for prevention is taken into account. The analogy of eliminating disease and promoting health in children seems to me a helpful one in this connection. The children's court, let us say, corresponds to the children's hospital. You will remember only a few years ago the intolerable situation that we faced every summer: thousands of babies sick and dying, hospitals overcrowded, temporary buildings and tents full, nurses and doctors fearfully overworked in an effort to keep babies from dying of diarrhea or some other disease that originated in improper feeding. Building wings to hospitals and increasing the medical and nursing staff was of little help,—the babies still died by the thousands. In most communities this situation has been completely changed. Popular literature and clubs and classes, where the mother has learned the general principles of infant and child care, and the well-baby clinics and children's health conferences, where she has learned from the doctor how these general principles must be modified to meet the needs of her own children, have almost completely eliminated this cause of death in many communities. We are teaching positive health in preschool centers and in schools, as well as attempting to make sure that for the smaller number who do become ill we are making available the most intelligent kind of care that medical science can provide. One of the greatest helps in our thinking has been the discovery that well children are usually not really well and their efficiency can be very greatly increased by more intelligent care in the home and in school.

I am sure I do not need to point out the analogy between the hospital and the juvenile court. We now know that delinquency in some form is practically universal among children. They do not instinctively know even that private property is private property. This and most of the other misunderstandings on which our living together is based must be slowly and in my own case painfully learned. If then in preventing delinquency, our reliance is on the juvenile court alone or even primarily, we shall certainly continue to fail in preventing the kinds of delinquency that are easily preventable. The training of parents and of teachers and the provision of habit and child-guidance clinics where parent and teacher can get the help they need from the specialist in conduct problems are absolutely fundamental. The children now are handed over to the court when the home and the school have failed to cure conduct difficulties. I should speak more accurately if I said after they have contributed to the development of conduct problems in children, because in the home and the school are so frequently found the cause of the child's delin-

quencies. In many of the children brought to the courts the disease of delinquency is so advanced that cure is impossible. Some of them, with our present knowledge of this field, could not have been cured if the specialist had been called much earlier but many of them, how many of them we do not know, are curable.

The court is the place where the services of specialists in diagnosis and resources for treatment should be found since it alone has the authority to remove children from home and school if such treatment is indicated by a careful study of the case. That it is not so equipped, I do not need to say.

The conception of a specialist in the conduct problems of children is a new one, and these specialists are the first to admit that their knowledge is still very limited. They have the beginnings of a science and a technique. The research of the last few years in methods of diagnosis and treatment has greatly increased our knowledge on this subject. The opportunities for clinical study that the so-called "habit clinics" and "child-guidance clinics" and the psychiatric clinics attached to courts have made possible have been of enormous value. We shall, however, know vastly more about human behavior and the relation of physical and social causes to conduct problems in the future than we do today. However, that is not a reason for not using in full the knowledge that we now have,—on the contrary it makes its full utilization even more important.

I do not need to say that it is not being fully utilized by our courts today. What is wrong? Most courts do not have the services of a psychiatrist or the number of psychiatrists necessary for a careful study of boys and girls who are being brought to them as having manifested conduct problems too serious or too difficult for the home or the school or the children's agency to handle. Not more than ten or twelve juvenile courts in the country have their own psychiatric clinics. Many others utilize community child-guidance or mental-hygiene clinics, but these are usually able to accept only a limited number of juvenile-court cases. In the District of Columbia two psychiatrists and two psychologists who are full-time members of the staffs of local hospitals each give half a day a week of volunteer service to the juvenile court, which deals with over 1,700 official juvenile delinquency cases yearly. The Children's Bureau has recently published a list prepared by the National Committee for Mental Hygiene of psychiatric clinics for children in the United States, and a glance at it shows that there are whole states in which such clinics are nowhere available. In those very states often there are no psychiatrists or psychologists specializing in the conduct problems of

children. There are not in the United States today enough such psychiatrists or psychologists to serve the juvenile courts adequately if they all devoted themselves to this work exclusively. Most judges are therefore without the help of this type of specialists in conduct problems.

For the investigation that enables the judge to decide what treatment should be given the children and for supervision and help in the adjustment of the family, school, and community problems that contribute to their delinquency he has frequently an untrained staff, whose members are appointed for political service or because they are widows or are for some other reason in need of a job; or if their appointment is the result of an honest desire to obtain the best officers available, the salaries paid are often inadequate to attract and hold well-trained persons. Probation is often merely a stepping-stone to a more remunerative occupation. The number of probation officers is wholly inadequate. But merely increasing the number of probation units will not solve the problem. The public must recognize that the treatment which the court is intended to give can be carried on only by men and women fitted by personality, education, and experience for the work, who are selected on the basis of merit only, and given systematic, well-planned direction by a chief probation officer or other supervisor.

For some judges the court is a political opportunity; some have such confidence in the power of their own personality to correct fundamental, physical, social, and emotional problems that they think they can by a talk with a child and his parents solve all the problems that are presented. Such judges find that all they need is a few people to send on errands for them. As a matter of fact, this treatment is frequently adequate for many of the cases that come before courts dealing with children and young people, and it is these successes which are remembered. For example, Steve Lozinsky, aged seventeen, was arrested for stealing an automobile and placed on probation for six months. He made a good record while on probation and at the expiration of nearly two years had got into no further difficulty. Concerning his court experience he said: "It was the best thing that ever happened to me. I wish it had happened a lot sooner. Just to go down once a month and go to all that trouble and explain all about what you were doing was enough to make any boy who has an average mind stop and think before he goes on and gets into more trouble. Probation did me more good than all the lecturing I had had given me all my life." Clement Dunne, on the other hand, nineteen years of age, arrested for a similar offense and placed

on probation for one year, considered his court experience the worst thing that could have happened to him. Although his home conditions were far from desirable and he was badly in need of vocational help, only routine methods of probation were used, and the probation officer evidently had no insight into the boy's problems. "I have never been able to look at anybody since then," Clement said. "They gave me a coarse, hard-boiled fellow for a probation officer, who wanted to keep me scared half to death." Continually nagged by his family and reminded of the disgrace of his court experience, he lost his job because of his arrest, and then drifting from one job to another, he finally attempted suicide.

Some judges use what are, for our present stage of development, pretty adequate resources for investigation and diagnosis merely as window dressing. Carefully prepared reports of social investigations and the recommendations of a psychiatrist are sometimes found in the records of the court but not utilized in treatment. On the other hand, there are judges who are intelligently utilizing all the resources for scientific work available to them and are taking the lead in developing additional facilities.

Finally in the list of difficulties that the court faces—perhaps most discouraging of all—social workers are responsible or share the responsibility for adding to courts already inadequately equipped to handle children's cases, jurisdiction over a number of related problems, such as dependency, non-support, divorce, and offenses committed by adults against children. Socialized treatment of these cases is desirable, but in our plans for providing such treatment we often ignore the necessity of making sure that adequate standards of work for children will not be lowered by these increased responsibilities.

To return to the question, "Can the courts do social case work?" Perhaps I ought to say—Will they be allowed to? And to that question the only reply we can make seems to me to be that they must be enabled to. We shall not take from the parents their right over the children without a judicial determination as to whether in fact the evidence presented by the experts justifies this course. Such a decision is treatment requiring the most careful investigation. Should the courts do the case work for all delinquent children? Obviously not. The home and the school can be made much more efficient in training the child than they now are, and the advice of experts should be available to parents and teachers before it is considered necessary to utilize the court. We shall have to make judges, as well as teachers, parents, and social workers, much more intelligent as to the preven-

tion and treatment of conduct problems. We need to put into practice what is now known, while at the same time our field of knowledge should be continually expanded by research and clinical observation. With a scientific viewpoint about conduct problems and their prevention we can hope to secure agencies that will educate parents in scientific methods of child-training and assist them in dealing with the early conduct problems of children, to enable the school to prevent creating conduct problems, and to assist the home in meeting those that do develop, and to provide the court, the hospital to which serious cases of delinquency must eventually be brought, with the trained personnel and adequate resources for diagnosis and treatment.

## The Child On Probation \*

BY HANS WEISS,

*Probation Officer, Juvenile Court*

*Boston, Massachusetts*

Nearly six years have gone by since I started out on my adventures in probation work in this country. Originally, it was my intention to stay long enough with the Boston Juvenile Court to gain a sufficiently intimate knowledge of the work with delinquent children that I might be able to make a real contribution in this field in Switzerland. I thought a year would be all I needed.

I am still here. It is only recently that I arrived at Socrates' modest conclusion, "The beginning of wisdom is to know that we know nothing." We have passed through three decades of experimenting, but I doubt if anyone is optimistic or bold enough to claim that we have outgrown the experimental stage. The group is still small of those who have begun to realize with keen appreciation the immense variety and complexity of our problems and the inadequacy of set rules and methods. This group has reached the stage of differentiation. Only a handful of leaders seem to have made that persistent and intensive effort of thinking which has brought them to a deeper and clearer understanding of the underlying forces that make the child a delinquent. The rest of us are still groping in the dark, while the "rank and file" probation officer is lamentably unaware of the complex nature of the individual delinquent and the environment which produced him.

During an informal discussion on children's court work some critically minded student of sociology sprung the rather generalized question, "Is probation any good?"—I learned afterwards, that he expected a negative reply because he thought me frank enough to admit its failure. My answer was that I was a strong believer in the idea of probation and that it seemed the biggest step society had taken so far toward a human and intelligent dealing with crime, but that the practice of probation depended entirely on the individual proba-

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tion officer and on the standards of his court, which today were still sadly undeveloped with the exception of a few outstanding places.

### *Surveys*

The standard method of finding out anything about anything is to make a survey. We have surveys on practically everything under the sun. Not infrequently, such surveys are undertaken by outsiders who may be students in the field but who never themselves faced in practice the difficulties involved in the work and for whom it is hard to conceive that those fine points which count most are often intangible and almost impossible to express in definitions and figures. Real results in this work can only come from constructive human relationships which rest on the infinitely delicate oscillation between likes and dislikes and on a truly positive philosophy of life not in any way biased by race and creed, nor by half-baked scientific theories. It is obvious that courts and probation officers who do not make social investigations, who do not diagnose the situation and who fail to work out a plan fall pitifully short of what we believe to be the minimum requirements for any intelligent approach to human misconduct.

### *Success Versus Failure*

It may be interesting to know where and how widely the medieval procedure of fitting the decision to the offense is still practiced, and to show this may be the only way to make it definitely a thing of the past. But let us not be deceived by the fact that so-called "good standards" of court work are complied with. A judge or probation officer may merely go through the motions of the scheme, or he may be very conscientious and yet his approach and his ideas on juvenile delinquency may be wholly wrong and even harmful. We cannot be critical enough toward our own work. What we are so apt to call "our successes" may be due to factors entirely outside our influence. Dr. Richard Cabot says that 80 percent of the patients get well in spite of the doctor. This is also true with us. A doctor spends many years of his life in study and intensive training which certainly cannot be said of probation officers. Our scale of values in probation is still crude. Often, we place the emphasis on non-essentials.

We look for methods in terms of the steps taken in a case. We speak of "success versus failure" measuring success by the fact that a child was not brought into court again for a new offense. And yet, a youth is only on the safe road when he has learned to meet

conflicts in life in a positive way, when his life begins to mean something to him, and finds expression in some concrete and useful goal. How little this may depend on us, the story of George demonstrates. We knew him first when he was just fourteen, a blond, innocent looking boy with quiet blue eyes. Neither court nor clinic suspected a problem as his history did not suggest difficulties. His part in a "break" was to watch for the police. He did not get any of the loot. A year later he was in the reform school after a career of serious wrong doing in spite of our most intensive efforts in the form of studies, plans and placing out in the home of a young college graduate who ran a farm in the country. Only the very careful approach of Dr. Healy induced the boy to tell us that he wanted to be a big gang leader and that he had prepared for it by reading stories of crime for the last three years, and that his hero was a well known professional criminal. The boy did poorly in the institution and could not be called a success on parole. Suddenly, his father died, and shortly afterwards he lost his oldest brother, a high school graduate, the chief supporter of the family and his mother's pride. The night after the funeral, George stepped into his mother's bedroom and said quietly; "Ma, don't cry any more. I'll take Walter's place." He kept his promise. The stirring experience of his brother's death had changed his goal and given his life a new meaning.

On the other hand, a failure if dealt with rightly may make the soil fertile. Our mistakes become apparent and we may be able to correct them; the child and his parents may begin to cooperate and realize their inability to cope with the problem in their own way. If we could only see the potentialities for future improvement in our "failures"! We call a child pre-delinquent when he steals without getting caught, which is also the case of many of our successes who do not become repeaters in the sense of the law. If a child who has once been apprehended is caught a second or third time he suddenly finds himself in the dangerous class of delinquents, criminals and hopeless failures. Classification has been one of the most helpful methods in science; it is an effort for clarity of thinking; we are compelled to define the problem we deal with. In working with human beings, however, it has done a great deal of harm, especially when applied mechanically.

The only way to arrive at a real knowledge of what is being done with delinquent children by courts and probation officers is by comparative studies of case histories. They reveal the spirit, approach and beliefs of those who are given tremendous power in directing the lives of erring youth.

### *The Old and New Schools of Probation*

We speak of probation as if it were something clearly understood by every one,—a method of treatment well defined allowing but one interpretation. The contrary is the case. In theory, we find two widely different views represented by what might be called the old and the new schools of probation. Probably the best definition of the old school which sees in probation chiefly the element of supervision, we find in a treatise on probation published by the United States Children's Bureau: "Probation, as it relates to children, may be defined as a system of treatment for the delinquent child—by means of which the child remains in his ordinary environment and to a great extent at liberty, but, throughout a probation period, is subject to the watchful care and personal influence of the agent of the court known as the probation officer." "Youth in Conflict," by Dr. Miriam Van Waters expresses the new school with the idea of social treatment as the sole object. According to its author, "Probation means a plan of treatment carried out in the community which enlists combined forces of home, school, church, settlements, playgrounds and other available social organizations working under skilled leadership for a central, well diagnosed goal. At stages in treatment, conferences should be held and results checked. New guiding lines should be followed as conditions alter. But above all, no one should lose sight of the child. . . . He should be the one absorbing reality that would justify the weight of social machinery used in his behalf."

Viewing the practice of probation work, we reach rapidly shifting ground. We find that probation may mean anything from neglecting to appear when the boys are waiting in line to have their probation cards marked, to the working out and carrying through of a constructive plan.

Social treatment aims at the training of the child under conditions which render such training feasible. The child's cooperation is necessary for diagnosis as well as treatment. To expect him to cope with a situation which has already proved too difficult for him, is not only unfair, but unwise. Those whose responsibility it is to help him with his job of making good, should work out adjustments which assure him a fair chance.

Thus, probation is to be viewed from two poles, the child being one and the court the other, both striving for the same goal of fitting the child for his opportunity and responsibility in the community.

### *From the Child's Point of View*

From the child's point of view, the following stages are indispensable:

(1) He must learn to face his own difficulties, for it is only if he has some mental picture of the nature and extent of his maladjustment that we can expect him to make corrections. (2) He should understand that he has to make new efforts along several lines. He must be willing to face himself. He must be willing to tackle the difficult job of rehabilitating himself and working for a place in his little world,—be it in the old or new environment. He must be a good enough sport to honestly try to create new confidence in those, who because of his previous misconduct, now look upon him with suspicion. He must be willing to accept certain standards of behaviour as goals worth striving for earnestly, not because he is told to do so, but because their value begins to mean something to him. In short, probation should mean that there are definite tasks for the boy, that he must do certain things, such—as for instance, being helpful at home, changing his attitude in the home concerning his habits, raising his standards in school, choosing a better type of recreation,—definite tasks for wholesome self-expression. In place of the merely negative, meaningless job “of not getting into trouble any more” he should be shown positive tasks. You cannot ask him to stare at empty space and expect inspiration and progress. (3) He must have enough confidence in the court to accept the probation officer's leadership.

The child has no philosophy of probation; to expect such a thing is ridiculous. The probation officer must do this thinking for him. Unless the probation officer sees the requirements for the boy clearly he will not be able to guide him. However vague a boy's idea of probation may be, he should at least catch the spirit of it and be brought to realize how much depends on his effort and good will to play the game.

### *From the Probation Officer's Standpoint*

The probation officer's conception of his own work should run parallel to those elements found to be essential for the child. They are the foundations on which he should build and expand his philosophy of probation.

The capacity for working out the child's point of view and the ability to understand him are impossible without a spontaneous and genuine interest in youth. Adults who approach this work with

other motives are unfit for it. They will find the gate to the child's world locked and no power on earth can win entrance for them. But he who approaches the problem with a sincere and sympathetic interest in children will develop a growing understanding of the processes which govern behaviour, attitudes and actions of certain personalities in a given environment. No one expects a probation officer to be an experienced child psychologist. We know, however, that with the right kind of interest, there is usually combined a fine intuitive sense which opens up avenues of real understanding.

The third element is but a product of the two previous ones. A sympathetic adult with interest and understanding naturally perceives the needs of the individual child, or at least, he will enlist the aid of trained experts for this purpose. Here again, it becomes apparent how artificial are the well known classifications of normal and delinquent children. The less we emphasize the differences between the two, the more successful is our approach. To consider the delinquent child in a class by himself is to isolate him the more and failure is practically certain. If such a distinction is to be kept at all, we must always remember that no one will be given insight into the needs of a delinquent child who does not know the needs of a normal child.

Some people see in probation merely the technique, the older school supervision, while the progressive group emphasizes investigation and social treatment. While it is true that without a thorough knowledge of social case work even the fittest is greatly handicapped, the decisive factor is nevertheless our attitude toward the child. Technique is never more than a means to an end. A person who possesses the three above mentioned prerequisites will almost invariably develop technique, while a mere technician is worse than a circus clown who may not have wisdom, but, at least, has a sense of humour.

### *Applying Probation*

In its application probation involves four-cornered teamwork. The judge and the workers in the clinic should be filled with the spirit of leadership, based on a genuine interest for the child. With them lies the responsibility for the reactions of the child during his first contacts with those who are to guide him. Their approach may build or destroy the bridge upon which the probation officer is to meet the child on their common journey. During this journey, judge and clinic should be aware of its course. When serious obstacles are encountered, they should be ready with a helping hand to both

probation officer and child. Instead of following a more or less mechanical procedure timed by continuances and terms of probation as it is practiced in almost every juvenile court, the method should be as elastic as possible and close to the needs of life.

In many juvenile courts one senses an atmosphere of uncomfortable rush. The judge seems to hurry through the calendar, often at the rate of a few minutes per case. Judge Cabot of the Boston Juvenile Court gives every case as much time as is needed to get a clear picture of the situation before him. Beyond this, he is always generous to anyone who wishes to consult him on matters not scheduled for the day. It may be a boy who wants advice or who has been asked by the probation officer to see the judge because things were not going well with him, or again it may be a social worker who came in to discuss a case. The probation officer who runs up against a difficult situation with a child in his court consults the judge at the critical moment, not when the problem is stale and the damage done. Judge Cabot may ask the probation officer at times like this to send for the child and his parents, or he may suggest a new plan which the probation officer may talk over with the parties concerned. The procedure is absolutely free and elastic. The court is there for the child, and not the child for the court.

The chief responsibility rests on the probation officer. He must direct the teamwork. He takes up the threads laid bare by judge and clinic, and builds accordingly. If court and clinic have succeeded in awakening confidence in the child, the probation officer is confronted with the difficult but fascinating task of erecting and developing it into a really constructive force.

### *Cooperation*

The probation officer is the executor of the plan. He organizes the helpers,—teachers, club leaders, agencies, judges, clinics, parents, older brothers and sisters.

The central link in the chain is naturally the child. Unless he is won over to the realization that he is on the team, and not playing against it, our efforts are bound to be futile. He should feel that all the steps taken are in his interest and intended to help him. The use of force in any form obviously prevents such cooperation. If in the place of guiding we begin to order, we have no right to hope for sincere teamwork from the boy. There are situations in which we may feel that we have to place before our ward the choice of following a certain course or facing commitment in an institution,

but we are the losers if events have cornered us in such a fashion. Our chance for constructive work has passed.

### *Building Confidence*

Our experience with Rinaldo proves how easily a boy loses confidence. Rinaldo was a moody, sensitive Italian youngster of fourteen, the third child of a marriage which never was one. His home was a battlefield. The parents were separated. His father went to live in the suburbs alone, working until nine each night in his tailor shop. No one was there to take care of the home. The boy got completely out of control. He dropped out of high school and had no interests. For several months his response was very poor. Finally, we succeeded in getting the father's consent to a serious operation which helped the boy a great deal. He was placed in an excellent foster home in the country. After his recovery, he landed a job and went to night school. The probation officer who spent a great deal of time with him, established a relationship which might well be called a friendship. Suddenly the boy insisted on living with his father, although every one concerned including the boy agreed that it was a poor arrangement. The secret of this sudden affection for his father was a girl who lived in the same neighborhood. In a casual way the probation officer mentioned this new attraction to the father who exploited the information and teased the boy whenever he had a chance. This thoughtless indiscretion set the stone rolling, and the friendly relationship between the boy and probation officer was broken. The probation officer had committed an unforgivable breach of loyalty. Rinaldo lost his job, became discouraged and started to drift. He may not become delinquent again in the sense of the law, but the constructive piece of work so well under way was destroyed, or at least seriously interrupted. It may take a long time before this boy will find himself again, and before he will entrust himself to the guidance of an adult.

There are innumerable ways of building up confidence in boys. I am convinced that a probation officer must find time and leisure to do things beyond his professional assignment. Boys have a fine appreciation of what a probation officer is paid to do (no matter how small the pay), and what he is doing just out of plain human interest and love for the work. Only so far as he steps out of his professional frame and becomes a real companion, is he able to break down the wall which exists between the offender and the machinery of the law. Occasional hikes, taking boys to a beach unspoiled by



commercial amusements for a swim, or the building of a campfire are ways of showing a real interest in them. When the probation officer visits boys who are in the country, he may fill his car with their friends or some other group and give them a ride. He may send boys to camp during vacation and if necessary try to raise funds for this purpose. When a boy is ill, he may visit him and see that he has interesting books or some other useful substitutes such as a paintbox, etc. He may visit boys when they are held in jail for trial by some other court, they often are much in the same position as the boy who is ill. With the boys who are mentally equipped and emotionally ready for it, he may discuss outstanding books and vital questions of life.

Some months ago, I saw a young social worker reading a record in our court. I asked her about it and she said; "This is Alec, one of your former boys, but they told me his case was filed"—which obviously meant to her that I had nothing further to do with him. I found that Alec had run away several times; twice almost out of reach of a long distance call (if that is still possible) and that he had stolen considerable sums of money. I knew him three years ago as a very lovable and highly intelligent Russian boy in court for a petty offense. I had not seen him since. He was now fourteen,—at the threshold of adolescence with its moods and strong emotional fluctuations. The "treatment" for his delinquencies was to be placed in the hands of this young woman. I asked her to state her findings in a letter to me and suggested that I tell the boy and his mother to have a talk with the judge. I explained that "filing the case" did not mean that we had lost interest in a child, it was merely dormant and lived again the moment we knew help was needed.

The boy was seen by the judge and clinic. He was turned over to us on probation. He still had excellent standing in school, but was bored by some of the courses. His running away was adventure; his stealing incidental, a "necessary evil" in the process of supplying funds. The following Saturday I sent for Alec and said to him: "You don't need to see the country on the back of an uncomfortable truck. Why don't you come with me this afternoon?" Alec and his two brothers with some friends, accepted the invitation. We went to see some boys placed in the country. As a result of our chat that afternoon Alec called at my home on Sunday morning to get Michael Pupin's excellent book "From Immigrant to Inventor". This again led to requests for other interesting books. The boy was no longer a problem. He graduated this spring with honors.

Another boy with a serious record was in my charge for four years.

Twice, we spent part of our vacation together. This winter he became interested in a girl for the first time. There were some complaints from his foster parents. One night he stayed out until midnight and would not tell where he was. We drove to a quiet and beautiful spot along the beach and had a good talk on his personal problems in particular and on problems of life in general,—among them of what a proper relationship with a girl, and later with a woman,—may mean to a growing boy and to a man. It was not a dutiful “sex talk”. It was a sincere attempt to show this boy the difference between the fine and the gross things in life and that he was just at the crossroad where he could choose either way.

Fred exemplifies another interesting illustration of winning a boy's confidence. He was on probation for stealing an automobile. He had been loafing for months. In a certain sense we forced him into a job. There was a poor response. He was getting tired of working at his tedious job of folding cardboard for boxes when a worker from a vocational guidance bureau called me about a job in a place where they paint stained glass for churches. I remembered having seen the portrait of a pretty girl in Fred's room, done quite ably by himself. I got hold of the boy and he landed the job within two hours. One of my unemployed boys got his job. Both boys have been most appreciative,—and they both have “made good”.

Doing work in this way brings a rich reward. It is full of fascination and joy. It has nothing in common with “pampering”, for most of the boys begin to pick up, to make an effort and follow the challenge to their loyalty and grit. One gets a glimpse of a boy's life, of his interests, of his reactions and ways of response,—and something of his peculiar difficulties in getting on with others. If one has a large case load, he may organize his work by selecting the most needy cases, or see to it that a good club leader does the job, the probation officer being clearly in the boy's eyes the mediating link.

A probation officer should not confine himself to “recreational fun” with his probation boys. He should take a boys' gang with him or others in the district. The physician and the priest build up a clientele by winning the confidence of whole groups in the community. They demonstrate the spirit of their work by making social and human contacts with many people. It is far more important for the probation officer who is identified with the “law” to establish confidence in the work he is doing with boys, parents and teachers. If they have a glimpse of what really matters to him, the attitude of parents and of other adults toward the work of the court changes. Years ago, it was extremely difficult in my district to get the children

of immigrant parents to camps because their parents were afraid. Today, they approach us when vacation time comes around.

Equally important is the cooperation of the community represented by home, school, employer and recreational organizations. The probation officer is the interpreter of the child's conduct and of what in fairness may be expected of him by the different groups which constitute the child's world. A probation officer's insight should enable him to tell in simple and clear language where the difficulties lie and what is causing the friction. This is perhaps the most important function of his job. No one will listen to him unless he inspires confidence by his tactful approach and by willingness to understand the point of view of the different groups of adults who are daily dealing with the child. Only inasmuch as he visualizes and understands their attitudes, will he find ways to show them the child's position vividly enough to enlist their aid along constructive lines. It is his task to bring the child and the community on a common ground which will render teamwork possible. He should possess the ability to make both sides see the difficulties of the other and the child as well as the adults involved should eventually realize that there is no conflict of interests and that the problem is a process of growth which is more complex than usual and therefore requires more effort and attention. Under this treatment the child and adult will begin to respect each other and a spirit of mutual help will gradually take the place of warfare.

It has been my experience that the easiest way to show a boy the consequences of misconduct at home and school, is to have him imagine himself in the role of a parent or teacher. If this is done in the spirit of real sympathy and enlivened by a wholesome sense of humor the boy is almost always willing to see things in a different light. The same is true of parents and teachers. Quite often, I have found teachers who are willing to win the boy's interest. They carefully weigh the tasks given him and encourage him. They trust him with special duties or they assign him to work along the lines of his natural inclinations. I have met principals who transferred boys to different courses or to a different teacher when the boy's problem was explained to them.

Successful probation work depends on the willingness of court, probation officer, child and community to cooperate. Each must feel a responsibility for the outcome. Probation understood this way shows how utterly irrational and unsatisfactory the idea of a set probation term is. The court should work with the child so long as he needs help,—which in many cases lasts through childhood and

adolescence even though there is no further delinquency. The child should merely be a "ward of the court".

### *Types of Probation Officers*

Let us turn to the kind of probation work actually done today. What are the stages of progress we meet in the courts throughout the country?

The embryo stage we find exemplified by the probation officer who is only a card index, or clerk, busying himself with filling out simple record cards and doing similar clerical duties. His vocabulary is primitive and his vision limited. If he talks to the boy he tells him to be "good" and to leave things alone that belong to somebody else. I have seen probation officers of this type who never had a real conversation with their probationers. A few perfunctory questions are asked about school or work. Once a week the boys line up and their probation cards are marked. A probation officer of this type depends in his judgment of the child solely on the offense and the uninvestigated remarks made by police officers and parents. If the boy or girl is not arrested again during the probation period and if the parents do not take the trouble of making complaints to the probation officer in court the case is filed when "the term is up"—and the "probationer" is judged a success. This sounds unbelievably primitive. From what I have seen of the probation work carried on in some of the courts, I am forced to think that this type of probation officer is far more frequent than we like to admit.

As an example of probation work of this kind, I can cite the story of John and Mike. These boys, both fifteen years old, but small and undersized, were arrested in the jurisdiction of court B for breaking into a store, while they were on probation in court A. They were arraigned and held in jail for three days until the juvenile session of court B took place. The case of John was filed without notifying court A as the probation officer of court B reported that he was a "mild boy" and had a "good mother". Mike was held for court A as he had a previous record of several offenses and court B stated that it would commit him if court A did not do so. In neither case did the probation officer make an investigation although the boys lived only a few blocks from the court and one went to a school almost next door. The probation officer of court B called for the probation officer of court A merely to bring about Mike's surrender in that court. Court A found that the boys together with others whose cases were also filed by court B had committed a series of six

"breaks" not known to the police and to court B. The social history of both boys was well known to court A, and Mike was placed in the country. His attorney volunteered to pay part of his board. Both boys could have been transferred to court A, the day of their arrest, if the probation officer of court B had been interested in their welfare, and made proper arrangements with the judge. Mike said of his wholly unnecessary experience in jail: "It sure was lonesome; they wouldn't even give us a paper to read."

Recently a group of seventeen year old boys was committed to the state reformatory. Though court A had worked for several years with some of them, the probation officer wouldn't walk across the hall of the courthouse to consult court A on their social history.

Another type of officer is the one who assumes the role of a "parson". His lectures are long and exhaustive but boringly monotonous. Threats in veiled or open form flow in abundance. I know a probation officer of this type who makes practically the same speech to every boy no matter what his offense or problem may be. He warns him against stealing although the boy never showed any inclination for it. I wonder if this officer knows anything of the dangers of suggestion? This type, too, is known to most of us.

Neither of these probation officers is a good listener. The child has no chance to tell his story. The court experience is a mere incident in his life which gains importance only if he gets caught again, as he may be "sent away". Both of these probation officers never leave the courthouse. If any information is brought to them in their office before closing hours, they may use it in court. Their discretion in this matter is unlimited.

The third group consists of probation officers with a touch of technique. They know something about social investigations, and they attempt to supervise by means of house calls and consultations with the attendance officer or even occasionally with the child's teacher. But it is a haphazard affair and lacks the discipline of mind required to build up a diagnosis and plan of treatment.

Next, we meet the "supervisor",—the probation officer who is conscientious enough to follow the child's conduct in the community but expects him to wage a lone struggle for reconstruction. This probation officer stands aloof and has no relationship with the child. He is eager to be the "watchful eye of the court", but he lacks the vision to recognize his opportunity for constructive work. He is an official with a conscience but no imagination.

On a considerably higher plane moves the social technician. This

probation officer knows social case work and practices it so far as his time permits. He views his problems in terms of cases, he is efficient, he diagnoses and plans—but, he too, fails to build a relationship with his ward which is the basis of true leadership. He dictates rather than guides. This type is rare. However, we are on the way of increasing the number if we follow the course which social work has taken in so many places. There is a large number of social workers who are efficient and well trained case workers but are lacking in vision, independent judgment, humility, real sympathy and a sense of humor, all of which should permeate their work. Social workers of this type never achieve the kind of understanding which is the essence of any worthwhile human relationship. The emphasis placed on technique by some of our schools of social work is largely responsible for this situation.

Sometime ago, I knew a student who went into social work with all the enthusiasm, eagerness and idealism of youth. After six months in the school of social work she commented on a boy who had to be placed in this manner,—“After all, we are not so very keen to accept this case.” She had learned a different language, and her attitude had changed. I pointed out to her that though the parents were difficult to deal with, the boy needed the country both for his physical and mental health and it was our business to give him this chance. The fear of failure was stronger than the interest in the boy’s welfare with this young worker who had been initiated into the mysteries of trained case work.

The highest type we meet is the probation officer who is a leader in the work with maladjusted boys or girls. His idea of probation work will move along lines developed at the beginning of this paper. If he exists at all it still remains to be seen how near he comes to the requirements set forth. “It takes unusual insight and imagination to realize the human forces with which the probation officer deals. He has the two-fold task of discovering human forces and of directing them into the conquest of delinquency. Probation officers should have the requisite education, training and experience. There is no excuse for their not knowing the elements of biology, psychology, sociology and the facts of mental hygiene. They should be social physicians. Their attitude should be that of the social worker who builds up social relationships. They should have respect for the worth, dignity and integrity of human personality. They should use knowledge, not force, in the solution of their problems. They should

believe in miracles. Daily miracles of the reconstruction of broken human lives."<sup>1</sup>

Probation is being increasingly criticized by the public. It is commonly considered a merciful gesture of a benevolent judge who "gives the poor kid a chance"—to go on. What a fair, real chance means in an individual case, neither the judge nor parents seem concerned with. The public is right if court and probation officer fail to do a real piece of work. As it is—how can the layman conceive that probation does not run against the interests of a civilized community, but expresses its highest ideals?—how can the man of the street be made to see that probation is the most hopeful way out of delinquency and crime? If we care to safeguard this most modern of methods in criminology, it is our duty to condemn unhesitatingly the work of the large majority of probation officers of today who are merely holding jobs in public office. Their presence is directly and indirectly harmful to the work with the individual child as well as to the progress of the work in general. Unless we take a firm stand in this matter, we shall never see the day when probation work as we understand it will be carried out on a large scale in this country. Not until then shall we be able to evaluate the extent of our success in aiding delinquents to adjust themselves in the community without submitting to the hazards of institutional training.

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<sup>1</sup> Quoted from Dr. Miriam Van Waters: "Knowledge versus Force", Proceedings of National Probation Association, 1923.



# The Relation of The School To The Juvenile Court

By

GUY M. HOYT

*Head Coordinator, Division of Attendance and Employment of  
Minors, Public Schools, Los Angeles, California*

Not many years ago, going to school was more or less an incidental matter in the lives of children. The school year of our fathers' time was short and the vacations were long. Compulsory attendance laws were not universal and when such laws were on the statute books their enforcement was not systematic. Times are changing. Schools are in session more days in the year. Summer schools are common in cities. In some places there is talk of an extended school day. Compulsory attendance laws are being systematically enforced. In many states, continuation or part-time laws are being enforced which apply to all children under the age of eighteen. In a word, the school is coming to be a more important factor in the life of the child and in the affairs of the community.

Along with this extension of the school year and the raising of the compulsory school age, have come marked improvements in the internal management of the schools. In many progressive centers special types of schools and rooms have been organized so that children who are not entirely normal may have more suitable training. The teaching corps is improving from year to year. The school is gradually being adapted to the child.

But in spite of these progressive steps there is some disharmony between the school and its pupils. There is no disputing the assertion that schools cause certain children to become delinquent. In enlarging upon this point it will be desirable to list some attitudes occasionally found among principals and teachers:

1. One type wishes every "bad boy" put in jail and kept there.
2. Another type makes a bitter complaint about a child but is unwilling to appear in court to substantiate the complaint.
3. Another type expects miracles to be performed by the court and probation department. Disappointment is certain to come to

such a person. Loss of faith in the courts and in the probation system is likely to follow.

4. Another type holds the threat of the probation officer and the juvenile court constantly over the class. Such teachers create many problem cases.

It is not claimed that a large percentage of teachers or principals in any school system can be enumerated in one or more of the above classifications. The new psychology and the mental hygiene movement are bringing about a much more intelligent and discriminating attitude on the part of educators throughout the country. Many of our school people are sympathetic and forgiving, almost to a fault.

### *Complaints*

On the other hand there are some complaints made against the juvenile court and probation system by school people which are so fundamental that they should be given careful consideration.

A few days ago one principal discussed her point of view with me very frankly. It was substantially as follows: "When we send a child to the juvenile court we expect to have something done. We have tried mild measures. We have appealed to his sense of pride; we have put him on his honor; we have adjusted his program, and perhaps asked the psychological clinic to help. When these remedies have failed we turn him over to the juvenile court. But what happens? He stays in custody a few days and is then released to his home with a polite lecture, and we have to start all over again."

I do not contend that this is an everyday occurrence, but it does happen entirely too often. You and I know that the institutions, to which certain cases should be sent are already overflowing but that does not relieve the situation for the principal who finds the problem beyond him.

Another principal says, "Yes, Johnny has a probation officer but he rarely comes around, and the lad is slipping again."

Sometimes a probation officer makes the fatal mistake of telling a school principal that the compulsory education law is all wrong. A probation officer has been known to tell his ward that it was not necessary for him to go to school. Statements like these spread like wildfire and are certain to create an attitude of distrust between people who should have the utmost confidence in each other.

At this point I should like to raise a few questions. Should the probation officer accept suggestions from school officials and follow them if practicable? If he does so, will he become merely a person

who does the difficult work for everyone who calls for help? Can he trust school officials to be fair and reasonable in problem cases? Do school officials, including attendance officers, know enough about social case work to present a true picture of the situation and to make reasonable recommendations? If the schools equip themselves to care for a majority of their own cases without resorting to the court, will it mean that the cases finally referred to the probation office will be more difficult? If so how will these cases be handled?

I cannot answer these questions with finality. It seems to those of us in the schools that the court and the probation officer should accept suggestions if they have no reason to suspect the good judgment or the fairness of the school people. This seems more desirable in cases where the child has long been a problem in school. Many city school systems are installing clinics where behavior problems are studied and remedial measures are attempted. It is hoped and expected that this procedure will result in a lessening of the work of the juvenile court. However, no one will be so optimistic as to believe that these clinics and special schools will cure all evils. Many cases must be referred to the court and it will be reasonable to assume that such cases are bad ones for the very reason that they have resisted the enlightened treatment to which they have been exposed. What will the court do with these cases? We school people look upon the court as the last resort. We expect it to uphold the laws.

### *Setting Up the Necessary Machinery*

If the thesis is accepted that the schools, the juvenile court, and the probation department should cooperate closely and in a friendly manner, it may be of interest to describe the machinery which has been set up in our city to bring about this type of cooperation.

The school system of Los Angeles has developed a program designed to reduce delinquency where it is possible for a school organization to do so. A psychological clinic is available to any principal who has a pupil whose behavior is not satisfactory. Many children are caught in the early stage of moral disintegration and are saved. If the clinical diagnosis and treatment do not bring results the principal may ask to have a boy removed from his school and taken to a special type of institution which for want of a better name we call a "welfare center". At this center the child is carefully studied. A psychologist assigned by the clinic previously mentioned makes a thorough mental examination, and standardized school subject examinations are also given. A special school physician is

assigned to make a careful physical diagnosis. If medical treatment is needed the appropriate clinics are contacted. During the period of his stay in the welfare center the boy's behavior patterns are carefully noted by teachers specially selected for this work. The parents are interviewed at the outset, in order to enlist their cooperation.

When a boy shows signs of improvement in attitude his case is discussed by all who have participated, and a suitable placement is recommended. He may be sent back to his original school, or he may be admitted to a special type of school where his vocational aptitudes can be cultivated. Great care is taken to make certain that he will return to a situation that is friendly so far as teachers and pupils are concerned. What has been said about the procedure for boys holds true also for girls.

A large majority of children who pass through the welfare centers adjust in a normal manner. Some do not. When we fail, we ask the probation department and the juvenile court to help us. These officials do everything in their power to inaugurate a more effective program of rehabilitation. This is what is attempted by way of prevention.

Many children come before the juvenile court who are not school problems, that is, they are not serious enough problems to send to the welfare centers. In such cases, and in fact in all cases, the school attempts to furnish a copy of the child's record to the juvenile court authorities prior to the hearing. This report is secured by the Division of Attendance and Employment of Minors through its supervisors of attendance. The items covered are as follows:

#### DIVISION OF ATTENDANCE AND EMPLOYMENT OF MINORS

Los Angeles City Schools

#### SCHOOL REPORT

IN RE..... Probation Officer.....  
 Petition No..... Date of Hearing.....  
 School..... Grade..... Birth Date.....  
 Home Address..... Age.....  
 Present Location .....

#### ATTENDANCE:

Entered: Month	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Total
Days Pres.											
Days Abs.											

Remarks: (Absences excused, unexcused, etc.)

**SCHOLARSHIP:**

		INTELLIGENCE TEST					
Test	Gr. Pl.	Kind	Date	Examiner	C.A.	M.A.	I. Q.
Math. Fund .....							
Math. Reas. ....							
Spelling .....							
Reading .....							
Subjects taken and grades:							

**BEHAVIOR AND PERSONALITY TRAITS:** (Indicate temperament, social attitudes, member of social organization, etc.)

**REMEDIAL MEASURES ATTEMPTED:**

**SCHOOL AND HOME RELATIONSHIPS:** (Parents cooperative, antagonistic, economic status, broken home, etc.)

Date..... **SIGNED**.....

After the court hearing, the child, if placed on probation within the city school district, is referred to a representative of the Attendance Division who advises with the probation officer relative to the most suitable school placement. This last step seems necessary in a large city where special schools are provided to meet the needs of different types of children. A probation officer could hardly be expected to know all of the special opportunities available in almost four hundred different schools. Nor could he know that certain principals and teachers are especially suited by personality and experience to deal with a special type of boy or girl. Another advantage in such a procedure is found in the fact that the Probation Department does not know how much information of a confidential nature can be entrusted to a teacher who is unknown to it. The representatives of the Division of Attendance are given access to the findings with the assurance that they will dispense the information only to those teachers who will not misuse it. Such is the present plan. We do not claim it to be perfect. In fact we are now questioning the value of the school reports when obtained by the attendance supervisor. Possibly the probation officer is denied an opportunity to contact the school officials personally in a manner that would advance the interest of the child's record when it is filed.

The juvenile problem that faces us today must be solved by all social agencies working together harmoniously and intelligently.

# The School and The Juvenile Court

## A DISCUSSION

HAROLD K. VANN

*Chief Probation Officer, Superior Court,  
Seattle, Washington*

We have always had delinquency. Past generations have endeavored to overcome it by every form of punishment from public executions to the woodshed. How successful their methods were is difficult for this generation to determine. They knew nothing of our methods and information but neither did they have the numerous laws of our complex civilization.

Seattle's juvenile court report for 1928 shows that while there was a decrease in acts of dishonesty, the increase in traffic violations and runaways was so great that the total represents an increase in delinquency over the year previous. In spite of this total, however, we know that the lack of proper driving permits, and the running away from improper home conditions, do not necessarily indicate delinquency.

This is not the time to discuss the "why" of delinquency, but it is possible that we have leaned so far toward child freedom and youthful rights, that we ourselves are largely to blame for the mistakes of immature, thoughtless children. Be that as it may, we are facing a tremendous problem and have not found the solution.

The school and the court are both playing an important part in child care and development but neither is so organized that it can take over the functions of the other. It would take legislative action to give committing power to the school. If the school undertook such a program, it would soon be covered with the same so-called stigma which is thought to be attached to the court.

It is not the juvenile court, but the work which it must do, which brings this criticism. We may hide our special schools behind a fancy name, but the boys know that they are "dummy schools" and "crook schools". We cannot end the complaints against an institution by merely changing the name from a juvenile court to a school court.

### *The Danger of Misunderstandings*

Misunderstandings are often at the bottom of feeling between the court and the school. The school and the court must learn the same language. The teacher is not in the court. Johnny comes back and in order to reinstate himself in the eyes of his fellows, boasts that they couldn't do anything with him. He just told those guys where to get off. The judge may have given Johnny a talk and a warning that he is still thinking of; and Johnny is home and under probationary supervision only because of the pleas of parents and friends and often school principals. If the teacher did not hear Johnny's boast or his school fellows' remarks, she would be surprised to notice as the days went by that Johnny was really trying to do better.

The teacher cannot always know what the court's close investigation has revealed, or what has happened in the meantime, to change even the complaint.

A boy recently cited to appear before the Seattle court for part-time truancy, presented a card when the case was called, showing he had been reinstated, had made up his lost time and had so improved that his principal spoke in his behalf.

The school cannot try everything. Even the threat of the court doesn't mean much. The boy will make himself a class problem and "flunk out" in order to get expelled and be through with the hated school. But when the judge tells him to choose between his own school and the state training school,—that is different. In some 300 part-time cases before the Seattle court in the last three years, only two have had to be committed. The others made good in their schools.

If the probation officer feels that it would not be wise to visit Johnny at school and possibly spread the story of his court contact, why not permit him the right to try out some other method, whether it is understood by the teacher or not. The teacher would resent the court's advice as to teaching methods. She should also refrain from comment on the court's plan.

The teacher is not always consistent. Within the last week, a principal called me on the 'phone insisting that John, who was in the detention home, should be sent to the island. He stated that he would never permit him to enter his school again. Later the principal called, saying he had talked with the boy's mother and if I would release him, he would be glad to receive him. About the same time, a teacher, who had been critical of a small offense, came to see me three times, asking for the release of a bad repeater, in order that he might use him in a ball game.



Unfortunately our teaching staff does not always have the time to study the child or develop mentally a social conscience in him. Too many teachers are too far from the child. They cannot recall the changing elements in a child's development.

### *Relationships Between Youth and Teachers*

We have in Seattle an investigator who was formerly a teacher, then a probation officer, then an attendance supervisor and now is back in court work. She states that her reception in the home as a court officer is much more kindly than it was as a school officer. When I was chief probation officer in Los Angeles, two men had similar experiences with the same reactions.

I have had experience as a field officer, a chief probation officer and a teacher in a large city high school. While teaching, I had special work with tardy and absent pupils, was coach for several sports, and had charge of intramural athletics. From this close-up view of the relations between youth and teachers I found that most boys thought the teacher cared for nothing but class grades, and would even flunk a student if he were a room problem. During my teaching, I had to arrange for some students to change their work because of their mental ability, I had some private talks with misfits, I studied some parents and homes, but I never had to send a boy from the room or refer one of its wards back to the court.

A young man, whom I did not know, recently came in with a story of the trouble he was in and asked for advice. In return, I asked him why he had not gone to his parents, to his Sunday school or school teacher, the boys' advisor, or his high school principal. He was a young man of good standing everywhere. Why had he come to the juvenile court? His answer was, "Mr. Vann, I couldn't trust anyone else to help me, and not disclose my secret."

Many parents and many teachers have not learned to lock their lips and many a child's mistake has been talked over as a tidbit and passed along in condemnation.

The visiting teachers and the attendance supervisors find that it is often extremely difficult to persuade a teacher to assume a more helpful social viewpoint and receive a child back without prejudice. When the probation officer gets Johnny's real story, it is only humane to try him again without his handicap and with the assurance that he has a friend who knows, and understands, and will play square.

This is not a criticism of teachers. I have every respect for the splendid work done by the school. I am proud of the fact that I have

a teacher's certificate. This is only a statement to the effect that the average teacher is not prepared through training or a developed temperament to handle problem children. Because of this, the teacher too often sees the court as a committing institution, and the probation officer as a policeman, and can not visualize either as a constructive force through which the child may be saved to himself and society.

### *What Probation Needs*

It must also be remembered that the probation officer is not infallible. Only a few are chosen from civil service examinations. Most of them are political appointees and know little and care less about the new movements round about them, to be seized and used for the child's good. Many give little thought or study, and make no sacrifice to increase their growth and usefulness. I don't deny that some criticize school laws or methods. We need higher standards, civil service tests, and protection not in our jobs, but in our life profession.

We are also handicapped in our lack of workers. Only a few courts have a staff adequate for their needs. We had over 2400 cases in Seattle last year and only five supervisors, all of whom had to make investigations at times and two had to investigate all of their cases. The result is that there is not time to properly contact the home and community, prepare a working program and follow it day by day. We failed when we should have succeeded because with our many duties, we did not have time to be in touch with the child as often as we should have been.

We have also to overcome an impatient and ignorant public. No matter what is done in a case, some one claims the matter was not properly adjudicated. Too many school workers condemn the court without visiting the institution and knowing the facts or the results.

The probation officer cannot prejudice a case. His investigation may be ever so thorough and his diagnosis ever so perfect and his recommendation ever so splendid, but the final statement is left with the judge. If the judge releases, when the probation officer recommends commitment, a loyal probation officer cannot go to the teacher with the tale.

The probation officer may not follow the school's suggestion but he is always eager for any light on his problem. He does not know it all. He does not pretend to be perfect.

Fifteen years ago, I liked to talk on ways in which the juvenile court could stop delinquency. Today, I send out a new officer, the

newer the better, to make the speech, while I endeavor to hide my ignorance by more study and observation.

The real probation officer will join hands with any agency which can help the child, and will lead or follow, just so long as the battle for reconstruction is on.

### *The Seattle Plan*

We have in Seattle, a plan which is not perfect, but which has enabled us for many years to help the schools in such a manner that even if they are not always satisfied, they are willing to abide by our decisions.

All school complaints go to the chief attendance supervisor. He in turn has an investigation made which often settles the problem. Sometimes, the child is left for a day in the detention home for observation and a conference is held with the chief probation officer. A conclusion may be reached and the child returned without formal court action. When court action is necessary, the petition is always accepted without question, and the case brought before the court. In the private court room, the chief attendance supervisor enters into the informal discussion, hears the report of the investigator, accepts in a splendid spirit the court's order, no matter what it may be and assists the probation officer in checking developments.

The court takes the school's advice as to change of school, or school expulsion. If the school is changed, the chief attendance supervisor, not the court, decides on the new school.

The Seattle school district maintains two twenty-four hour schools for school children who are court wards, and who need to receive training which it is impossible to obtain in their own homes.

Officers from both school and court, work hand in hand; go out on cases together and support one another in every possible way. Each holds the work of the other in high esteem and both are willing to join forces to help the child.

With all our knowledge, we still stand helpless before some of life's problems. The decision we make is going to leave an impress upon the child, and so, at times, we hesitate to commit a child, and try hopefully to find the right way to help him.

Sometimes, it comes through a spiritual touch. New vision and the ideals found in a religious faith can often accomplish what seems impossible.

# National Juvenile Court Statistics

## *Progress in the Reporting of Juvenile Statistics*

ALICE SCOTT NUTT

*Children's Bureau, United States Department of Labor,  
Washington, D. C.*

The Children's Bureau has been engaged for the past three years in a plan for obtaining and making available for use uniform statistics from juvenile courts. Reports are received by means of statistical cards furnished by the bureau, filled out by the courts and returned to the bureau for tabulation. Since the introduction of the plan three years ago, the number of courts cooperating has steadily increased. At the present time more than 100 courts are known to be using the cards and about 40 more have been supplied with cards and are therefore assumed to be using them. Although a number of courts supplied with cards have not reported, only a few courts which actually installed the plan have dropped it.

Forty-two courts reported for the entire calendar year 1927 and 65 for the year 1928. Consolidated and comparative reports have been prepared for these two years and will be published. I have been asked to report to you at this time some of the more important and interesting findings of these reports. For convenience I will use round numbers rather than exact figures.

The 42 courts reporting in 1927, represented 15 states; the 65 in 1928, 16 states and the District of Columbia. In several of the states a number of courts were represented. For instance, in 1928, 11 courts in Indiana, 13 in New York, 9 in Ohio and all courts in Utah reported.

The total number of cases reported for 1927 was about 47,000 (46,750) and for 1928 about 66,000 (65,600). These included cases of delinquency, dependency and neglect and cases of children discharged from probation or supervision.

### *Findings in Delinquency, Dependency and Neglect and Supervision Cases*

With few exceptions a comparison of the figures for the two years shows very slight differences. Some of these differences are due to

more accurate reporting. I shall therefore report only the findings for 1928, calling attention to any significant variations from the findings of 1927. In this analysis I shall report also only on the findings for the total cases and make no attempt to present variation from the average found in individual courts. However, there were some interesting and surprising variations. In some instances it was possible to offer an explanation, in others it was not. These differences require for their explanation further study of the procedure and facilities of the courts reporting, and of the communities which they serve.

### *Delinquency Cases*

Sixty-two of the 65 courts reporting in 1928, reported cases of delinquency. The number of cases reported was about 39,000 (38,882) as compared with about 28,000 (28,387) reported by 42 courts in 1927.

### *Sex*

Many more boys than girls were dealt with in delinquency cases. The number of boys' cases was more than five times the number of girls' cases. In consequence the total figures are somewhat weighted by boys' cases. Individual courts varied as to the proportion of boys' and girls' cases dealt with. These variations may be due to several factors,—local conditions in the community, the facilities of the court for dealing with girls' cases including the presence of women referees and probation officers, and the existence of other social agencies in the community for dealing with girls.

### *Race, Nativity and Parentage*

As a number of children came before the court more than once, the 39,000 (38,882) delinquency cases represented 35,000 (34,764) children.

Sixteen percent of the delinquent children were colored. This distribution as to race will be subject to change as the number of southern courts reporting increases. The proportion of colored was slightly higher for delinquent girls than for boys. Twenty-one percent of the girls were colored as compared with 15 percent of the boys.

Among white children dealt with as delinquents, boys and girls presented an interesting contrast, as to nativity and parentage. Five-tenths of the white boys reporting nativity but only about four-tenths

of the girls were native born of foreign or mixed parentage, while four-tenths of the boys and five-tenths of the girls were of native parentage. It will be interesting to see if this contrast which was apparent in the figures for 42 courts in 1927, and for 62 courts in 1928 will continue as the number of courts reporting increases. It will also be interesting to try to determine the factors responsible for this difference between the sexes. Foreign-born children constitute a very small percentage of the delinquents.

### *Age*

More than half of the delinquent children were reported by courts whose original jurisdiction extends only up to 16 years and the figures on age were necessarily affected thereby. In courts having jurisdiction up to 18 years about one-third both of the boys and of the girls were between 16 and 18 years. The girls tend to be older than the boys.

### *Homes*

Almost three-fourths of the delinquent boys and more than one-half of the delinquent girls were living with both own parents when referred to court. These proportions were slightly higher than 1927. This difference between boys and girls is interesting. Are girls from broken homes more likely to become delinquent than boys from such homes? Most of the children, both boys and girls, living with one parent only or with a parent and a step-parent were with their mothers.

### *Previous Delinquencies*

Figures regarding the number of cases in which children were previously dealt with are affected by court procedure. As most of you know, courts differ in their methods of recording and counting cases in which children under the care of the court are referred for new offenses. For this report, courts were asked to count as separate cases each time a child had been referred on a new charge for a new offense.

As the majority of the children dealt with were referred to court for the first time, it appears that the greater part of the courts' work is with first offenders rather than with repeated offenders. The proportion of girls who were dealt with for the first time was higher than for the boys.

### *Source of Complaint*

The source from which cases are received is some indication of the court's relation to the community, especially to the police, the school, and other social agencies. It is to be expected that a large proportion of complaints in delinquency cases would be received from the police. The number received from school departments is an indication of the extent to which the school itself handles truancy and behavior problems or refers them to the juvenile court.

The police made the complaint in more than half of the delinquency cases and was the most frequent source in most courts. About one-tenth of the cases were referred by school departments. In a few courts more cases were reported by the probation officer, by the school department or by an individual, than by the police.

### *Charge*

The offenses with which children were charged show that boys and girls present quite different delinquency problems. Nearly three-fourths of the boys were charged with stealing or with acts of carelessness or mischief. With the girls "running away," "ungovernable or beyond parental control," and "sex offense" were the most frequent charges, almost two-thirds of them having been charged with these offenses.

### *Place of Care Pending Hearing or Disposition*

In more than one-half of the cases the children were not detained but were allowed to remain in their own homes pending hearing or their cases were disposed of on the day the complaint was made. Detention was not used to any extent in most of the smaller courts. Boarding homes were used by a number of courts but the number of children thus cared for was very small. Detention homes and other institutions were used in almost two-fifths of the cases.

More than 1300 children were held in jails or police stations. In some of these cases the child was held for only part of the detention period in the jail or police station and the remainder of the time elsewhere. A few of the courts reporting such detentions are known to have a room set apart in the building of the jail or police station for the detention of juveniles. Although the largest numbers of children detained in jail were reported by courts having jurisdiction up to 18 years of age, many young children were detained.



### *Method of Handling Cases*

More than one-fourth of the delinquency cases were disposed of unofficially. The practice of the court in regard to unofficial handling of cases varied in different localities. In 1928, 39 of the 62 courts reporting delinquency cases, reported both official and unofficial dispositions. The proportion dealt with unofficially varied greatly from court to court. In several courts there were differences in the handling of boys' and girls' cases. This was especially marked in three of the courts. In each of these courts a much larger proportion of the girls' than of the boys' cases was handled unofficially.

### *Disposition*

The three major dispositions in delinquency cases dealt with officially were case dismissed or continued indefinitely, child placed on probation, or child committed to an institution.

The courts showed wide variation in the extent to which different types of dispositions were used. Such variations are due in many instances to differences in court procedure and practice. For instance, the number of official cases dismissed or continued indefinitely is likely to be small if cases are investigated before the filing of a petition and trivial cases are dealt with unofficially or dropped. The proportion of cases in which the child is placed on probation is influenced by several factors, among them the number of cases dismissed or continued indefinitely upon first hearing, the extent to which unofficial probation is used, the local institutions available for short-time commitments, and the care with which children are selected for probation both as to those likely to profit by it and as to the court's facilities for giving such supervision.

In 1928, 30 percent of the boys' official delinquency cases were dismissed or continued indefinitely. In 43 percent of the cases the boy was placed on probation, and in 14 percent he was committed to an institution.

In 22 percent of the girls' cases the disposition was "dismissed" or "continued indefinitely." In 41 percent of the cases the girl was placed on probation. In a larger proportion of the girls' cases than of the boys' cases, 26 as compared with 14 percent, the child was committed to an institution.

A study of the relation of charges to dispositions in official cases, reveals some interesting facts as to methods of treatment of different types of offenses. Such a study also shows that although the treatment

of girls for certain offenses was similar to that of boys, for a few offenses it was quite different. When the charge was stealing, the child was placed on probation in 54 percent of the boys' cases, and in 56 percent of the girls' cases. When the charge was truancy, the disposition most frequently used in the boys' cases was probation but in the girls' cases it was dismissal or indefinite continuance. When the child was charged with being ungovernable or beyond parental control, in 47 percent of the boys' cases, and in 48 percent of the girls' cases, probation was the disposition. For this charge commitment to an institution was made in 22 percent of the boys' cases and 26 percent of the girls' cases. In both boys' and girls' cases where the charge was injury to person or act of carelessness or mischief the disposition most frequently used was dismissal or indefinite continuance. Fines or costs were ordered chiefly in the cases of boys charged with acts of carelessness or mischief and with violation of a liquor or drug law. Commitment to an institution was used proportionally more frequently for sex offenses of girls than for any other offense among either boys or girls; the contrast in treatment of boys and of girls for this offense is striking. In 16 percent of the cases of boys charged with sex offenses the boy was committed to an institution and in 53 percent he was placed on probation, whereas in 48 percent of the cases of girls who were sex delinquents the girl was committed to an institution, and in 33 percent she was placed on probation.

About one-half of the unofficial delinquency cases were closed because the difficulty was adjusted; in about one-tenth the children were placed on unofficial probation, and a large proportion was apparently dropped without action of any sort.

### *Dependency and Neglect Cases*

Fifty-three courts reported cases of dependency and neglect in 1928. The number of cases reported was about 16,000 (16,289) as compared with 12,000 (12,150) reported by 34 courts in 1927. The number of families represented by these cases was about 8,000 (8,153).

### *Sex*

In dependency and neglect cases the numbers of girls and boys were about equal.

### *Race, Nativity and Parentage*

Fourteen percent of the dependent and neglected children were colored, as compared with 16 percent of the delinquent. Of the white children about three-fifths were native-born of native parentage, a higher proportion than for delinquent children.

### *Age*

The dependent and neglected children were rather evenly distributed as to age up to 16 years.

### *Whereabouts*

Almost half of the dependent and neglected children were living with one parent only when referred to court. In the majority of instances this parent was the mother. Slightly more than one-fourth were with both own parents. This proportion was a little higher than in 1927.

### *Source of Complaint*

In dependency and neglect, as well as in delinquency cases, the source from which cases are received is an indication of the court's relationship to the community. In some localities where many social agencies exist the court may prefer to have dependency and neglect cases investigated first by a social agency so that only cases needing court action are brought to court. In other localities, especially where there are few agencies, the court may make its own investigation of cases and receive complaints from any interested person including parents and relatives. The majority of the cases were referred by social agencies and parents or relatives. The differences in practice, among the courts dealing with dependency and neglect cases, are indicated by the variation in the percentages of cases received from social agencies and from parents and relatives in the various localities. In general, when the proportion referred by a social agency was large, the proportion referred by parents or relatives was small, and vice versa.

### *Charge*

Over one-third of the families in dependency and neglect cases were referred because of conditions constituting neglect, such as abandonment, desertion, abuse, or improper home conditions. About

one-half were referred because of insufficient care, including lack of care because of illness or death of parents and financial need.

#### *Place of Care Pending Hearing or Disposition*

In dependency and neglect cases three-fifths of the children were allowed to remain in their own homes or their cases were disposed of on the day the complaint was made. Boarding homes were used by most of the courts but the number so cared for was small. Detention homes, receiving homes or shelters of private agencies, and other institutions were used in about one-third of the cases.

#### *Method of Handling Cases*

A little more than one-sixth of the dependency and neglect cases were dealt with unofficially. This proportion was smaller than in delinquency cases. It was also slightly smaller than the proportion of dependency and neglect cases so dealt with in 1927.

#### *Disposition*

The three types of disposition used most frequently in official dependency and neglect cases were commitment to institutions or agencies, placement under supervision of the court or of an individual, and dismissal or indefinite continuance of the case.

In one-fifth of the cases the child was committed to an institution, and in one-fourth of the cases to an agency. In almost one-third he was placed under the care of a court officer or of an individual. One-fifth of the cases were dismissed or continued indefinitely. Institution commitments and dismissals or continuances were slightly lower in 1928 than in 1927 while placement under supervision and commitments to agencies were slightly higher. The extent to which the different dispositions were used varied from court to court. The relative proportion of commitments to agencies and to institutions by the individual courts indicate differences in local facilities for caring for dependent children as well as differences in court policy as to the use of institutions or other methods of care for these children. Some courts probably committed the children to agencies, which may then have placed them in institutions.

As in unofficial delinquency cases, the majority of the unofficial dependency and neglect cases were reported as closed because some social adjustment was made to relieve the situation.

### *Cases of Children Discharged From Supervision*

In 1928, 10,000 (10,429) cases of children discharged from supervision were reported as compared with 6,000 (6,213) in 1927. By far the greater majority of these represented supervision, or probation, in delinquency cases (8,493). Not all courts reporting sent cards for such cases, and the number sent was much smaller than the numbers placed on probation or under supervision by the courts reporting discharges from this type of care. The reasons for absence of cards or incomplete reports are in some instances that the court fails to keep adequate probation records, and in others that no provision is made for recognizing the termination of the probation period either by formal dismissal by the judge or probation officer, or by removal of the case from the list or file of active probation cases. Unofficial cases were reported by only a few courts and the number of such cases was very small.

The period of supervision was in most instances of brief duration, usually only a few months, and in the majority of instances the reason for discharge was "discharged with improvement" or "further supervision not recommended."

### *Plans for Further Development of National Statistics Further Study of Court Procedure*

The statistics, we are now getting, answer some questions but raise many more. In order to properly interpret the findings which I have just given you, we need to know much more than we now do about the various types of procedure in the courts reporting. We need to know also the factors bearing upon the selection of cases to be handled by the court rather than by other agencies and the resources in the community upon which the court may draw in deciding upon the treatment of cases. We therefore look upon this as a basic study and guide to future studies of special phases of delinquency and of juvenile court work.

### *Extension of Work With Courts and State Agencies*

The further development of the plan for obtaining and using national juvenile court statistics will continue along the two lines on which it has already started:

(1) Continuance of work with large courts serving populations of 100,000 or over. A representative group of these courts is already

reporting and it is hoped that the number will soon be complete. The Bureau expects to continue to receive cards from such courts and to prepare tables from them.

(2) Extension of the work with state agencies having supervision of probation work and receiving reports from juvenile courts and probation offices. Many states have a number of small courts, serving rural areas, which find it difficult to report in the detail possible to large urban courts. It is nevertheless desirable that there be state-wide reporting, and reporting on a comparable basis. The number of states seeking to establish a system of state-wide reporting is gradually growing. Several of the states in which courts are using the Children's Bureau cards are approaching that goal. We are now considering asking state agencies to collect monthly statistics from courts serving populations of less than 100,000. The material thus collected would be comparable with that collected from larger courts but would not cover as many items. The material to be collected, and the form in which it is to be collected, either tally sheets or simple cards, have been tentatively outlined but will be discussed with state agencies, since it is hoped that such a plan will meet the needs of state agencies either already receiving reports from courts or probation offices or planning to ask for such reports.

#### *Revision of Cards*

The standard statistical cards have now been in use for three years. Based on the experience of these three years we find it advisable to make some changes. The card with revised instructions will be ready for use on January 1, 1930. The changes are as follows:

- (1) Rearrangement of items for greater convenience in checking.
- (2) Revision of certain inquiries for clarity.
- (3) Provision for extra space in which individual courts may add items of local interest.
- (4) Revision of dispositions—separating the list of dispositions into two major groups:
  - (a) Child to remain under care of court or probation office,
  - (b) Child not to remain under care of court or probation office,and combining lists of official and unofficial dispositions.
- (5) Extension of the use of the dependency and neglect card to include other types of cases such as physically or mentally handicapped, material witness, etc.

- (6) New treatment card to replace the old probation or supervision card. This card will be used whenever the disposition shown on the yellow card for delinquency cases or blue card for dependency and neglect cases, is such that it falls into the group classed "child to remain under care of court or probation office". This means that the new card which we now call a "treatment" card will provide for any case carried under "care" regardless of whether the child is on probation in his own home, temporarily committed to an institution, or under the supervision of an agency. It makes it possible to account for the progress of a case from the time of first disposition to the closing of the case.

#### DISCUSSION

JUDGE FRED R. MORGAN (Juvenile Court, Salt Lake City, Utah): Utah is the only state reported by Miss Nutt, in which all the courts use the form of statistical reports supplied by the Children's Bureau at Washington.

In 1926, when the statistical reports were introduced, I, together with other judges in Utah, were somewhat loath to use special forms. We had our own form of report and we thought that the form furnished by the Children's Bureau would add to our work. Nevertheless, we made a start in 1926, and with the cooperation of all of the judges and chief officers of the courts in Utah, made a fairly good showing. Now we are convinced as to the soundness of this type of reporting. The value of forms for juvenile court work depends on each state and juvenile court using the forms. When this happens, the Bureau of Vital Statistics at Washington, will have practically complete data covering the important problems of delinquency, dependency and neglect. So long, however, as each state, and the various courts in the state, undertake to have their own system of statistical records, we shall not be able to find out how grievous and how serious the problems of dependency, neglect and delinquency are, in our nation.

What a wonderful thing it would be if the Committee on Crime Prevention recently appointed by the President, could go to the United States Children's Bureau and obtain accurate statistics on delinquency, dependency and neglect, as reported to it by the courts in the various states.

LINCOLN FROST (Secretary, Department of Public Welfare, Lincoln, Nebraska): How are we going to meet our problems and solve them unless we have statistics? Without them we are groping in the dark. How can we apply the proper remedy unless we know the existing conditions? We are not going to get dependable statistics without effort. More states should have laws putting the supervision of courts, and child agencies in the hands of state agencies and attaching penalties to those that do not furnish reports.

It doesn't seem to me there ought to be any question as to the relation between the school and the juvenile court. There ought to be the closest cooperation between the two. I say this from a number of years of experience as a judge of a juvenile court. There is no reason why the court should not help



the schools. They have their definite functions and they should be carried out. I am not one who believes that the school can take over the work of the juvenile court. I am very sure that it cannot. The school has an attendance officer, but he cannot make the same impression on the child appearing before him as the court can. The solemnity surrounding a court proceeding impresses the child as an individual cannot. The relation between the court and the school is a definite one. The school has its attendance problems;—the court should help with them. The court has its delinquency problems among the children and the school should help with them. So far as truancy is concerned, the task is the school's; so far as delinquency is concerned, the task is the court's.

## The Community Looks At The Court\*

HELEN MACMURCHY, M.D.

*Chief of Child Welfare Division,  
Ottawa, Canada*

The juvenile court belongs to the twentieth century. It was established in the United States of America in 1899.

In 1928, 2538 juvenile offenders were brought before Judge Mott. In 2027 cases, there was an adjournment *sine die* and no conviction recorded, a fact that speaks volumes for the work of the court.

The Honorable W. H. Price, attorney-general of Ontario, under whose jurisdiction the juvenile courts are, states that there are only fifteen juvenile courts in the province, and that there should be more. There ought not to be a district in the province where a child under sixteen years who gets into trouble is deprived of the benefit and protection of the Juvenile Delinquents Act.

Everyone in Toronto believes in the juvenile court. But how often do we look in it? How many times do we turn our eyes that way? How much whole-hearted attention do we give it?

The attorney-general has made this statement concerning the juvenile court:—"I have given two years of thought to this question, and I am deadly serious about it. I am prepared to make a fight for what I believe is right, against any and all opposition. The gesture which the state makes to a boy on his first offense should be one of kindness rather than a gesture of the mailed fist and the clanking of prison doors, even before he is convicted.

"Stop these boys and girls! Stop them on the threshold of prison. They will prove greater assets for the future life of the country if stopped that way than if we convicted them and then suspended sentence, as is often the case."

### *Beauty and the Court*

There is a juvenile court on this street. Look at it;—what do you

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\* Paper read at a joint session with the Fifty-ninth Annual Congress of the American Prison Association, Toronto, Canada, Sept. 21, 1929.

think of the entrance? What do you think of the surroundings? What do you think of the people who enter it?

There should be some degree of dignity, grace and beauty about the entrance. Don't put a court of this kind in a cellar or attic. Your first look at a place conveys a certain impression, and the first impression of a court should always be a favorable one. It should look more like a school than a jail, and more like a palace than a prison. There should be something homelike about it. Flowers and pictures are not out of place in it nor the Union Jack.

The surroundings of the court should form a fitting background; an avenue, a little park with flower beds and green grass, a government building, a bank, a fine statue, an open square from which you can see the sunset at the end of the day, a sparkling fountain,—these things complete the picture of the court and help those who look at it to recall their better selves.

Buildings and surroundings help, and so does the budget which contains good salaries. The community thinks in this wise when it looks at the court: "Who is that going into the entrance now? That is the probation officer. What is probation?"

#### *What Is Probation?*

Probation is not leniency. It is not "getting off." It is helping children to retrace wrong steps. It is making them over. It is getting them to turn to the right and keep on; never forgetting or losing hold of them until they are "cured." Changes in character are slow. They come about through many things such as work, school, church, the Boy Scouts, the Girl Guides, a baseball team or special training. Children need some fun; they need clothes; they need a lot of things. Help them to work for these things! We must find out the dynamic cause of the wrong doing and then deal with it. It is much like listening to the doctor and finding out what he can tell you.

Sometimes the doctor is the only one who can clear up the situation. Illness of mind and body has an influence on conduct. This is shown to a remarkable extent in the study of that shocking malady, discovered about the time the juvenile court was born, popularly called "sleeping sickness," Encephalitis lethargica has a terrible influence on conduct. These poor children are forever being cast into court. So far as one can tell, they were well behaved before their illness. Through it they lose the power of behaving properly and the cure is slow and difficult. True, there are not many such patients. In England, there have been only 108 before the courts

in the last seven years, and there are still less in Canada. It is a possibility, however, that one must keep in mind. This disease is only one instance of a good many conditions of mind and body with which only a doctor can deal and about which only a doctor can advise.

### *The Community and the Probation Officer*

Sight, hearing, teeth, bodily discomfort, chronic irritations,—all play their part in conduct. Probation officers need many virtues, one of which is to be good listeners. The probation officer must also listen to what the psychologist and the psychiatrist have to say, so that he may help the judge.

The right spirit is a great thing to a probation officer. It is not easy to find the real cause of things. It needs a great deal of sympathy and knowledge of the world, and not a little imagination. The work is hard, not only for the probation officer, but for the child. Did you ever try to change your habits?

Unless the probation officer has the character and the disposition, the kind feelings and the understanding heart which enable him not only to secure help from others, but to get the child on his side, so that the two can work together like brothers, then probation will be a failure, and the juvenile court will not succeed.

The community looks at probation officers and says,—“Can they do it?” They probably can if we will help them. If they cannot, we must get some one who can. We must find some one who can cure children of wrong doing and help the good in them to grow, and the bad in them to wither.

Finally, the community looking at the court sees the judge going up the steps and entering the court to do his day's work. Everything depends on him. The captain has his ship, the colonel has his regiment, the principal has his school and the judge, his court.

Does the judge like these children? Will he be just though the heavens fall, and equally kind? Has he plenty of patience? Can he keep things going? Can he organize the court so that each one has his or her own work, and if so, does he do it? Can he make his colleagues happy, from the assistant judge down to the new stenographer and the office boy? Can he choose his helpers wisely? Does he know that he must have within reach a medical expert and an expert social worker? Can he get out of them what they know, and he does not know about a case? Does it make any difference to him whether the court saves this child? Does he care?

## Mental Attitudes of Adults in a Juvenile Court\*

By

FREDERICK H. ALLEN, M.D.  
*Director, Child Guidance Clinic,  
Philadelphia, Pennsylvania*

There is a tendency in our thinking to invest a movement or an institution with an inherent value that is independent of its actual operation. We like to do this with such institutions as the school, the home and the church. In the last few years there has been a marked tendency to regard the child guidance clinic and juvenile court, in the same manner.

There is some justification for this tendency to ascribe to an institution an inherent value. All institutions carry with them policies, traditions and experiences which act as guides to a succession of adults whose attitudes are more or less predetermined and set not entirely by their own experiences but very largely by the experiences of the past that has been translated into tradition or policy.

The juvenile court was started largely as a humanitarian venture. It recognised that the formal and inelastic proceedings of the traditional court room were poorly suited to the handling of the delinquent child and that children were to be protected from associating with adult criminals. It was an important recognition of the need to handle the child as an individual and to consider more than just the delinquent act that brought him into court. The child was to be considered not on an innocent or guilty basis but more on the basis of informal hearing. The court was looked upon as a protector rather than the punisher of childhood and was expected to give this protection when other sources had broken down or become inadequate. Gradually there evolved as a part of the court, the opportunity for case work with the individual through the medium of probation.

Probation has the theory and experience helpful in giving an inherent value to the concept of a children's court and it has been influential in shaping the mental attitudes of those who administer the theory and add to the court's experience and tradition.

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\* Paper presented at the Joint Session with the Children's Division, National Conference of Social Work.

The tendency to invest the children's court with an inherent value was most clearly indicated by the vast hopes that centered around it. It was to be the panacea for the handling of the problem child. In the earlier days of the court there was the desire to turn over to it all matters dealing with children in which intervention was necessary. The court depended upon this theory of its inherent value, and behind it carried on a great deal of destructive work which was justified, not in practice, but in theory.

So the theory behind the movement is but a small part of the story, important as it may be. The larger consideration must deal with the attitudes and points of view that are carried into the administration of the theory and a study of those determinants both past and present which affect the shaping of these attitudes.

### *What Is Wrong With the Juvenile Court?*

We cannot properly evaluate the basic attitude and philosophy of the court until we are more aware of the common factors which help to shape the attitude of that army of adults which carry it on. That it is important to do a great deal of very objective thinking about such attitudes is evidenced by the fact that more and more people are asking what is wrong with the juvenile court, which is tantamount to asking what is wrong with the basic attitudes that adults carry into this court. What has hindered the juvenile court from keeping pace with other phases of child welfare? Why is it that with a few outstanding exceptions, there has been very little added to our knowledge of child behavior which has emanated from our courts in the past twenty-five years?

These questions and observations demand careful consideration. We are not entirely satisfied by replies placing the blame on such thing as inadequately trained staffs, heavy case loads, political interference, etc. Important as these things are in limiting the value of the court, they do not get at the real root which rests in the basic attitude and philosophy of the court approach to the whole field of behavior and human relationships. We must evaluate the court not at "its worst" but at "its best" if we are to be clear regarding the future development and contributions that are expected to emerge from its work. To sort out individual attitudes, and relate them to a court, would be a matter of no importance because of their individual nature. Every human institution has individuals of all types from the best to the worst, and it is neither fair nor enlightening to praise nor condemn on such evaluations. In juvenile court,

as in all other forms of social and health work, we have men and women imbued with a fine attitude of objectivity who are doing valuable work. We have also the bully and the sentimentalist. These are individual attitudes, helping or retarding but having little significance in the solving of the broader problem of the mental attitudes of those delegated by the state to deal with the problem of juvenile delinquency. It is with the more general factors which play a role in shaping attitudes that this paper is concerned.

### *The Court and Authority*

There is a peculiarly distinctive tradition that attaches itself to our thinking about a court. It represents the authority of the state to enforce obedience to law and depends upon legal force to see that its decisions are carried out. The children's court is a more informal body, theoretically and sometimes actually, but nevertheless it is a court and is invested with a vast amount of power and depends to a considerable extent on its authority to carry out a program which deals with delinquent children. The basic philosophy of the court is essentially a punitive one. Part of this may be explained by the way the court enters a case. A child is usually brought in charged with an overt act. This directs the attention of court, parents, child and public to the act itself. Attention is likely to stay on the act and efforts directed toward its elimination. With such emphasis, the traditional and easiest approach is the punitive one, using the court's authority to curtail liberty and to back up its demand for a change of behavior.

It is perfectly true that many courts have been able to submerge this punitive foundation in the case work they carry on through probation. The quality of their work, however, seems to depend upon the ability of the adults to deal with behavior on a more constructive basis than that which depends upon the use of authority.

When the basis of an attitude rests on authority to carry out a procedure, it is likely to mean that reliance is also placed on this same authority to obtain the desired results. This places a definite barrier against developing a type of probation and court work that seeks to understand behavior as a starting point in correcting it. In sound case work, reliance has to be placed on the relationship that must be built up and not on the fact that there rests in the power of one person the authority to correct. This creates a fundamental difference in attitude both on the part of the worker, and those with whom he works. Probation officers and judges cannot but be con-



scious of the fact that they as officers of the law are responsible that others either obey this law or are punished for the failure to do so. Those with whom the court deals are even more conscious of the punitive role represented. Their relation to the court rests fundamentally on a level of fear. Even with the very best of our probation people this hurdle is a difficult one to get over and may block from the outset the establishment of a relationship which will lead to an understanding and modification of those human problems which contribute to the formation of a delinquent child.

As a factor, complicating emotional pressure and accentuating this attitude, there is the emotional pressure coming from the community for law enforcement. A public agency like the court feels this pressure most keenly and is made very conscious of the demand that a critical public makes for quick charge and punishment. The opportunity for a calm evaluation of the situation is frequently denied a court of excellent intentions because of community pressure. Much of the delinquent behaviour in home and school is handled on this authoritative basis. It is usually our habit to turn to the court when other forms of coercion have failed to effect a change.

With pressure coming from the community which fears any efforts to deal with delinquent behavior except on an authoritative and punitive level, it seems but natural that a court, being essentially a punitive institution, should represent very accurately the same type of attitude, and it usually does. A material change can hardly be expected until there is created a more intelligent attitude toward behavior in the community.

We have developed the juvenile court along legal lines. A legal institution based as it is on precedent, rarely exerts a leading influence in changing our mode of thought. The legal attitude toward behavior is based on a rather rigid concept of right and wrong. People are guilty or not guilty of overt acts and reliance is placed upon the laws of evidence to determine this. The court, being much more a legal than a social and health institution, is placed under the control of the judge whose training is essentially legal. Legal training does not lay any emphasis on the study of individual behavior and its motivation which would be gained if more of the humanistic sciences were a part of it. It is but natural that a judge on being given the responsibility of administering a court dealing with problem children should be guided by his training and point of view. Many judges grow into a more dynamic attitude toward behavior and play a very important role in shaping the attitudes of those who carry on the active investigation and treatment.

But too frequently the community expects an impossible task of the judge in a children's court. It invests him with the power of final disposition. It is he who must determine whether a child shall be fined, dismissed, committed or placed on probation. The community in expecting a judge to be a psychiatrist, psychologist, social worker and lawyer, places him in a very difficult position and forces most judges to fall back on the one approach with which they are best acquainted,—the use of authority and attempting to create a realization of the wrongness of an act and anticipating that the realization will be the most important step toward reformation.

The pity of this is twofold,—first that we should continue to expect our judges to do the impossible, and second, that so many judges should continue to feel so capable of dealing with the complexities of human behavior in a wise and constructive manner. They are placed in an impossible position in the first place and like other human beings faced with a difficult problem, they frequently get on the defensive when the wisdom of a system which allows them such power, is questioned. Too many judges in our juvenile courts become jealous of their position. They resent the carefully prepared reports presented them, because they deem them an interference with their duties. Reports are brushed aside and decisions made on impressions rather than on facts. There are several judges who have been farsighted enough to recognize the difficulty of the position in which they are placed. These men have developed a more dynamic point of view and have publicly proclaimed the need for deciding the disposition of cases in a different way.

#### *The Importance of the Probation Officer's Attitude*

While the judge has played and still plays a most important role in shaping attitudes in our juvenile courts, the heart of the movement rests in the hands of the probation officer. There is nothing magical about probation. It is good or bad, valuable or meaningless, according to the attitude of those who carry it out, and the impressions that are conveyed to those who are worked with on a probation basis. Good probation can be similar to good social case work, depending on the attitude taken toward it by the adult. If there is an attitude that sees probation as an opportunity for understanding the operation of social and individual forces leading to overt delinquent behavior, and modifies those which lend themselves to change,—then probation can be placed on the same constructive level as the best social case work.

There is an attitude common in the best of courts and basic in the philosophy of some of our best probation people, that probation must rest on a punitive foundation. It has to be justified on that basis rather than on its more constructive aspects. Possibly it is the emotionalism of a critical public that causes this type of rationalization. Any other justification, when pushed into the foreground, is likely to bring down the dreaded accusation of coddling or being sentimental.

This basic attitude has been expressed by Cooley in his book, "Probation and Delinquency." In his evaluation and justification of probation, he states that "It often causes the probationer humiliation and leads to sincere remorse". Again he says, "In some cases probation is more of a punishment than would be imprisonment."

### *The Punitive Attitude*

Modern psychiatry in its teachings of behavior deviation and the factors necessary in a treatment approach, has shown the futility of the punitive attitude,—an attitude that concerns itself mainly with symptoms and not causes, and is therefore not a scientific approach. Probation, developing as an integral part of court procedure, frequently has taken on the basic attitude of the court which is a punitive one. Where this is true, a barrier is set up in applying the more constructive side of the probation theory.

With the basic attitude kept so much in the foreground and the tendency to view delinquent behavior from this judgmental and subjective point of view, it is to be expected that the adult personnel of so many of our juvenile courts should take on this authoritative and threatening attitude and deal with behavior on this level. It has not been possible to supply the court with trained personnel which means that a great many people enter court service with little knowledge of the mechanism of human behavior. It seems a safe generalization that the less the training the more these officers will depend on the fact that they are "officers of the law", and will seek to work out problems on a cause and effect basis.

Adults who have the responsibility of dealing with delinquent behavior are very prone to identify themselves with the individual involved. Sometimes it is with the child and against the parents and then again it is reversed. The attitude which they take in court frequently determines this. Those who are a "little hard" and rather sullen or defiant are apt to be looked upon as "bad actors" and those who are penitent or who seem to listen with interest, are regarded

more sympathetically. These attitudes are formed frequently without other evidence, and play an important role in determining disposition. I have seen the balance turned in favor of or against commitment by the attitude of the child in court. There is an attitude among adults that places great value on being penitent regardless of what it may mean and to what factors it may be related.

If we are going to approach behavior on this level, then it is essential that the dignity and authority of our position be upheld. We must make the culprit feel humble and become penitent. Only in this way is it clear that a reaction has been obtained. Hence the great desire for the attitude and the intolerance of anything suggesting defiance or talking back. This is only further evidence of rebellion and must be curbed. Results can be obtained only through fear of the consequences and these must be made sufficiently realistic if this fear is to be developed. The chief probation officer of a court once remarked to me, "The only way to stop delinquency is to make these kids fear the court so much that they will not run any chance of being brought before it." This same person acted as referee. Each person that was brought to him was brutally called down and told the things that would happen if he ever came back. Parents were told what abject failures they were and ordered to go home and take proper care of their children. His whole approach was that of the bully.

There are graduations in this type of attitude from the above to the rather mild and sentimental type of lecturer who tells boys "To be good and you will be happy". There is similarity in the philosophy of both extremes. At present we see everywhere authority being pushed to the wall and pleading for the use of more force to stem the violation of law.

### *The Disciplinary Approach*

Dr. Miriam Van Waters refers<sup>1</sup> to the futility of this attitude when she says: "The disciplinary approach to behavior problems in home and school (I would also add the court) has failed to bring about any lasting contributions to their solution. Exhortation, moralizing opinion, or any other hostile approach have as little effect in combating delinquency as they have in a case of pneumonia. They succeed only in building up a defense reaction and in increasing the distance between the child and his human group."

<sup>1</sup> "The Delinquent Attitude", Published in the Family, July, 1924.

All through this authoritative drive, the attention focuses almost entirely on the symptom,—the act of the child. If the child stops stealing then a success is noted, even though nothing has been done to understand or treat the causes. This attitude is comparable to the old type of medicine in which fever was treated by antipyretics, and infection by blood letting. The symptom was the thing to be attacked and little if anything was known about the causes.

### *The Approach of Modern Psychiatry*

The fundamental difference between the approach of modern psychiatry and the approach which rests on authority, is that one seeks to change behavior through treating and the understanding of basic things, while the other seeks merely to change behavior.

There is an essential incongruity between the more common sense, scientific approach which regards behavior as emerging from a variety of *factors*, and the approach which is judgmental and seeks to change behavior by external pressure. There is a grave question whether the two can ever mix. When a child or family is approached on a judgmental or authoritative plane, it is seldom that you are placed in a position to deal constructively with the real causes. The case worker or the psychiatrist depends on building a bond of understanding in order to be in a position to learn and to modify. The other approach depends upon its authority and position to accomplish this goal, which usually causes the individual to get on the defensive and to shield or to shift the responsibility.

The authoritative attitude is a blind one. It sets up a code of behavior and seeks to exact conformity by punishing deviations. The fact that it is not successful is indicated by the small part that most of our juvenile courts play in the constructive work of a community. Where there are exceptions, it has been due to the socialized point of view and an attitude which the court has adopted. The more common attitude is to use the court and probation as a weapon rather than a social instrument to effect a more wholesome solution of factors leading to delinquency.

There have been individual misuses of power and authority. There will always be people who will lose their perspective when given a little authority. The home, school and court, or any other institution, cannot be judged by individual misuse of power.

The most important and fundamental question involves the basic

philosophy upon which so much of the community's effort to control delinquent behavior, rests. The only reason for discussing this attitude in relation to the court is that this institution represents a most important effort to deal with delinquent youth. It is an attitude that runs through our human relationships and is proving just as ineffective in industry, schools, colleges and social case work as it has in courts where it is brought into the foreground.

It is not a question of criticising the past! It is rather a problem of evaluating the past in terms of our present day understanding of behavior and in planning for the most effective way of constructively handling these social problems which past methods have met so inadequately. It seems necessary to me to get away from the incongruity that exists in our present day efforts to combine in a juvenile court the power "to punish" and the capacity "to treat". It would clarify our thinking in this whole field if we could recognize the incongruity of these two basic attitudes and gradually withdraw from our courts the planning and carrying out of treatment, which could better be developed in our schools or through the medium of private case work, or in our clinics.

There is no assumption on the part of psychiatry that a formula has been found and that a final solution has been discovered for understanding and preventing human difficulties. The great value of the whole mental hygiene movement must rest on its capacity to grow and to have its philosophy sufficiently elastic so that new knowledge can be incorporated in it. Consensus of thought will follow only when we have coordination of effort. The great aim in the whole field of behavior is to have the type of consensus which recognizes and accepts certain basic principles and proceeds from them.

### *Developing the Right Approach*

I should like to emphasize that the question of the adult attitude toward the delinquent child involves much more than the expression of it in our children's courts. A children's court has the background, tradition and type of organization that favors the accentuation of and dependence on the use of compulsion and authority to control and modify those youths who have become delinquents.

A more objective and less emotional attitude must be developed as a substitute for the approach which has proved so ineffective in controlling and constructively modifying human behavior. It is clearly recognized that every individual as he grows from infancy to adulthood must learn to adapt himself to the authority of reality.



This is essential for balanced and harmonious living. But in the process of developing, many factors play a role in causing some to rebel and to fight their environment. In the individual cases, the reasons for such reactions are to be found and worked with on an objective and tolerant plane. The establishment of a relationship that makes possible the working out of a problem on such a level seems possible in proportion to our ability to minimize that approach which rests on force and which assumes to blame and condemn.

It is more difficult for the adults in court to free themselves from an attitude which is strongly colored by these punitive elements. The court stands in the community as an institution to punish and protect society from those who deviate from the established order. The mere bringing of a child into a court is a threat and forms at once a barrier between the officer and the family which makes difficult the working out of the underlying causes of the delinquent behavior. The barrier is hard to overcome. It is easy to fall back on the use of authoritative and threatening attitudes to eradicate delinquent behavior, particularly when adults in a court are subjected to an emotional type of pressure from a community "to do something drastic" to curb what is popularly called a "crime wave".

When we ask whether or not the court approach to delinquent behavior can ever be an effective way of dealing constructively with the problems causing such difficulties, we are not criticising any individual or group, but we are questioning the court's efficiency in treatment, because of its traditions, its basic philosophy and the things it stands for in the community. There is no doubt but what the court will always be a necessary part of a program dealing with delinquent behavior.

### *What the Community Can Do*

The community should create in the minds of adults the spirit of objectivity and scientific inquiry which approaches delinquency with a minimum of prejudice, with less of the desire to condemn and with an ability to discover and work with the facts of life. With the creation of this point of view, there can go hand in hand the development of facilities, in schools or through clinics for the treatment of delinquent behavior. Some communities have been able to do this by creating a court that is both a social and health institution. They have done this by the marked reduction of adult attitudes which were dominated by what has been termed "the hierarchy of the heinous-



ness of all crime". That so few of our juvenile courts have been able to lift themselves above this judgmental level is the basis for feeling that an incongruity exists where we attempt to combine the power "to punish" with the "capacity to treat".

## Adult Case No. 1

### THE BUILDER

Presented by C. E. Wilson

*Chief Probation Officer, Sacramento, California*

The case I shall discuss was culled from about 2,000 handled by our department.

The defendant had a wife and three children. He was thirty-five years old, and was engaged in building and the buying and selling of houses. He became "color-blind", which, in the parlance of the street, means he could not tell his money from that of his employers. A complaint was issued. He was arrested and placed in the county jail. He remained there a considerable length of time. Eventually, through his attorney, he entered a plea of guilty and asked for probation. The matter was referred to me by the judge.

A thorough investigation of the case was made and the court was given a written report. The recommendation was made that he be granted probation. Prior to the filing of the report the district attorney's office advised that if it were a favorable report, they would fight it in the courts.

At the hearing before the judge, the district attorney's office appeared in a body. Objections were made and a continuance moved as the district attorney's office wished to produce evidence that the probation officer was wrong in recommending probation.

The time came for the hearing. We had a two day session,—the district attorney's office versus the probation office. After a whole day taken up with testimony, the judge called me to the bench and asked how I could refute this mass of evidence. I said, "Your Honor, I have examined into every statement of the testimony you have just heard. After you have listened to the other side you will undoubtedly come to the same opinion I have." The judge was a man of sound judgment. He listened. He asked many questions.

The defendant took the stand and underwent a grilling investigation and cross-examination. The court took the matter under advisement. After two days the judge rendered a decision,—the defendant was to be placed on probation for a period of five years in my charge and under rigid orders.

When the defendant was released he started in as a carpenter. He had few friends. His wife and children were in Chicago. He raised money by his own labor to bring them back. He decided to remain in the city where he had been for the past few years.

He established a humble home but he could not get ahead. His expenses were too great. He came to me and said he wished to change his occupation and go into real estate. I said it was a lawful occupation, and that it was all right for him to do so. He replied however that the district attorney's office had threatened to send him to the penitentiary.

I saw the district attorney and thrashed the matter out. Then I said to my probationer, "If you wish to go into real estate you are at liberty to do so."

He went back and prospered. He lived up to the probation orders which were strict. He secured a position with a real estate firm. Then his troubles commenced with his co-workers. The firm had a large force of men, who would have nothing to do with him. They complained to the manager in charge that they did not wish to work with an ex-convict.

I straightened that out. The manager told them, "You do not have to work if you do not like it,—quit. The man is hired to do business and if he cannot he goes. I have every confidence that he is going to make good."

He made good. It wasn't long before he was the head of the department and the best salesman the firm had.

He called upon me weekly for advice, and we talked things over. Then he decided to go into business for himself. Through his ability and hard work he had accumulated considerable money.

During the few years that he was on probation he became a respected citizen. When released from probation he continued along the same lines. He was elected to a very responsible position on a certain board in his town; he educated his family, sending them through the university and purchased a beautiful home,—all in a period of ten years.

I have other probationers who have done nearly as well but not quite. This man was exceptional. He had intelligence and business ability. He had learned through bitter experience the value of honesty.

The reason we do not have a greater measure of success, is that we have so many cases to handle of those whom the street popularly calls "dumb-bells". In our county, we have six to seven pleas of guilty with applications for probation to one trial.

The judges seldom change any recommendations that the probation department offers. One judge whom I served under for ten years reversed only one recommendation.

A great many cases are brought into court on "failure to provide". Nearly every one pleads guilty. The question then arises as to what shall be done with the wife and children. The defendant does not like to work or he has lost his job, or there are family difficulties. Many of them are divorced. Some have one child; some have ten. You can't turn them loose without help; you have to come to their assistance.

The majority of these cases, if placed on probation, make good. We have to see that they get food and jobs. In our dealings with them we try to use plain common sense. The average citizen who has violated the law, unless he is a repeater and doesn't care about his citizenship, will make good if he has clothes, a job and some food, and a chance to regain his self-respect.

In order to get increases in salary for the staff and to increase our office force from three to four, I compiled some statistics to submit to the grand jury. These figures show that in our handling of 2,000 probationers we have saved the county \$220,000 in trials alone. The earning power of the men handled, basing it at \$125 a month, totaled between \$3,000,000 and \$4,000,000, thus showing the value of probation to the community if you do not figure it on any other terms than money.

## Adult Case No. 2

### THE AUTOMOBILE MECHANIC

Presented by Robert Tyson

*Head of Adult Division, Probation Department  
Oakland, California*

It is a good thing—for the federal probation officer not to say too much in court, but to place all the information he deems the court should have in his written report and then stand pat, letting the attorney and the prosecuting attorney do the talking.

There are some cases where considerable talking is necessary in the judge's chamber without the defendant and, sometimes, with the defendant present.

The law in California was changed a little over two years ago, so that when placing a person on probation, the court has the power to incarcerate the defendant in the county jail up to the maximum of the penitentiary sentence for that offense, or he can fine the defendant, making him pay so much a month to the probation officer, or having him pay the fine in a lump sum to the judge or sheriff.

When the law was first put into effect there were some phases I didn't like. Previous to this, if a man asked for probation and he had no work, someone would come up who was acquainted with him, offer him work and maybe a home. The way the law stands now, they may put a man on probation for perhaps five years, let us say, and sentence him to six months in the county jail. There are few people, then, who are willing to come forward with offers of assistance. In my county sometimes they let men out of jail at night. One or two men I never saw, but most of them report.

The new law has had one good effect; there have been fewer violations since it went into force than before.

The case which I shall discuss is the first case in which a man was released on probation under this law. He was given five years probation with six months incarceration in the county jail.

Before the man was arrested on a burglary charge he worked in a small town as an automobile mechanic, earning \$6 a day. He was 36 years old. His mother died when he was 14 years of age. He left home when he was 17 to shift for himself. He was married

and had one child. He and his wife had been moving about the country for five years. He had held several jobs; had bought four or five second hand automobiles; and from what I could learn, lived from hand to mouth.

The conditions of probation in this case were that the man was to take up a correspondence course, or evening school work. He followed out the conditions and studied automobile mechanics.

The six months he was in jail his wife clerked in a store. She learned during this period, something about thrift. Today this man has a position with one of the large automobile concerns and earns \$200 a month. They have practically paid for their furniture and are figuring on buying a home.

Probationary supervision in this case made the wife and husband realize the value of money and what could be done with the amount they had to spend. I think that this man is pretty apt to make good. He may not, but one thing is certain, if he had been sentenced to a state prison he would have come out with the stigma that attaches itself to a person who has been sent to such an institution, and with all the after difficulties that confront him when he works to make good.

We handle more "failure to provide for minor children" cases in our county than any other. Many people talk about "failure to provide" cases. Few hit the nail on the head. The trouble with about 70 percent of these cases is that the men are not money makers. They haven't the ability to earn money. I am of the opinion that if we taught these people in our schools and colleges, how to earn money, how to spend it, how to save it and how to give it away, we would stop crime to some extent.

## Adult Case No. 3

"ALEXANDER"

Presented by PERCY A. SHARPLEY,

*Chief Probation Officer,*

*Hudson County, Jersey City, New Jersey*

The probation department of Hudson County, through its trained workers, attempts as complete an inquiry as possible of each case committed to its care. This involves a study of environment, circumstances and reputation of the defendant in order to bring to light conditions that contribute to delinquency. Our judges are reluctant to pass sentence without first receiving this vital data. It is becoming a well known fact that the work of the court is most effective when the physical, psychic and social background of the offender are known. To the degree that our courts are able to utilize the social investigation, they are helped in the selection of cases capable of improving on probation.

Probation is a privilege and a right. There are many offenders who are not entitled to this privilege. These are habitual law violators, confirmed drunkards, drug addicts, mentally abnormal and subnormal, and other socially inadequate types who are not suitable material for probation. There are even first offenders who should be denied this privilege. The matter of determining those capable and those incapable of responding to the opportunities afforded by the probation system can only be ascertained by careful investigation.

Case work with the individual probationer is in no sense sentimental. It is a businesslike procedure with the object of discovering and removing the underlying causative factors contributing to the maladjustment of the probationer. Intelligent case analysis is imperative. Subsequent guidance and adjustment of social problems become in practical application a many sided matter. Physical diagnosis is involved and what is perhaps even more complicated, account must be taken of the social background and mental capacity of the person.

The general procedure in adult cases does not differ to any material extent from that in juvenile cases. In adult cases however, it begins by arrest and arraignment. If the defendant signs for special sessions, he comes directly before the court; or presentment is made to the



grand jury and a "no bill" or an indictment may be found. In the event of the latter, the offender may then plead to the indictment, which plea may be that of *nollo contendere* (tantamount to a plea of guilty).

In the event of a plea of *nollo contendere* (also known as *non vult*) or a verdict of guilty, the probation department begins its actual work. The data gathered enables the court to intelligently adjudicate its findings. Should the court be of the opinion that probation may be the means of salvaging, this data becomes valuable in social diagnosis.

The probation officer then proceeds with the case in hand direct.

### *Investigation*

**Environment:** Business-residential neighborhood, adjacent to railroad terminal and waterfront. Playground, schools, churches, day nursery and settlement house in the vicinity. This section is known as Gamintown, and the inhabitants mostly are of Polish extraction. House in which they reside is a 3-story dilapidated frame building, occupied by twelve families. Parents occupy four rooms on the second floor, rear, which are scantily furnished, and consist of kitchen, living room and two bedrooms, one of which is poorly ventilated (having no windows).

**Family:** Father, 45 years of age, a carpenter by trade, and employed by Messrs. Blank & Co., earns \$35 per week; mother, looks after the home, makes a very good appearance, but apparently is not in good health; May, age 19, is employed as a saleslady by the John Doe Department Store, earns \$20 per week; probationer, Alexander, age 18, unemployed; Charles, 13, and Mary, 9, attend St. Peter's Parochial School. Mother states that she and her children attend regularly to their religious obligations; but father and probationer are lax in this respect.

**Health:** Mother complains of a pain in her lungs (coughed spasmodically during interview). Youngest child, Mary, is ruptured and limps when she walks. Alexander is also suffering from a social disease.

**Income:** The total monthly income at present is \$220, derived as follows: Father gives to the home \$35, May \$20 per week.

**Expenses:** Rent \$20; gas, coal and insurance \$11; food and clothing \$95; incidentals \$40. Total of monthly expenses \$166.

**Debts:** Owe \$75 on furniture account, on which they pay \$5 monthly; doctor's bill \$30; lawyer who represented Alexander \$100, paying off same at rate of \$10 per month.

*Spare Time Activities:* Probationer associates with questionable companions; loiters in pool room; attends cheap movies; often seen on street corners with gang; comes home very early in the morning; disrespectful towards parents, who apparently have little control over him. Pastor has made repeated efforts to try to guide him. An uncle living out of the state is also interested in the case.

### *Social Analysis*

*Assets:* Boy graduated from grammar school. Parents apparently ready to cooperate. Pastor and uncle also desirous of helping.

*Liabilities:* Has social disease; indifferent regarding employment; associates with questionable companions; frequents places of ill repute; careless in religious obligations. Home conditions unfavorable and somewhat insanitary.

*Plan of Treatment:* Have young man report at the clinic for treatment as directed; keep out of pool rooms and away from questionable companions; obtain suitable employment and assist him if necessary;—join a suitable club where there will be an outlet for spare time activities. Arrange with pastor and uncle for their cooperation. Persuade family to move to better quarters; assist them in finding same. Request mother to visit T. B. clinic; report case to clinic. Later arrange for operation on child for hernia, then interest the Elks' Cripple Kiddies Committee regarding her crippled condition. *Strict probation must be adhered to.* Adjust his financial obligations. Cultivate habits of thrift.

## Adult Probation Problems\*

By ROBERT H. ZAHM

*Erie County Probation Department,  
Buffalo, N. Y.*

Practically every case presents its own special problems, though each invariably resolves itself into the general problems of case treatment, that is to say, adjustments in the matter of health, recreation, environment, education, employment, religion, family and social relationships, thrift, etc. On the other hand, whatever the problem or problems in a given case may be, one may rest assured that they are problems peculiar to that case in view of the fact that no two individuals require the same treatment.

No sensible or constructive plan of case treatment can be determined on unless the probation officer is in possession of sufficient reliable information concerning the offender's previous court record, his offense, the facts surrounding the crime, his personal history, education, family and neighborhood conditions, employment record, religious activities, leisure time activities, habits and associates. It is most important also to know the offender's mental and physical status, his likes and dislikes, emotions and general character, all of which points should be included in a pre-sentence investigation. One presupposes, that the person making the investigation knows how to properly evaluate his findings, and to interpret them intelligently. In spite of the supervising officer being in possession of the information just indicated, we all know too that it is often necessary to revise and modify our original plans for supervision.

I have purposely chosen a young man as the subject for our case story, because the majority of cases with which we deal and those that usually present the most difficult problems, are in the age group eighteen to twenty-four.

Raymond Blank, aged twenty-one, was turned over to our department for an indefinite term of probation by our county judge, following a plea of guilty to the charge of grand larceny, second degree, caused by the theft of an automobile for a joyride. It was the young

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\* Paper read at a joint session with the Fifty-ninth Annual Congress of the American Prison Association, Toronto, Canada, September, 1929.

man's first arrest. During the short time the automobile was in his possession, he collided with another car, damaging the stolen one slightly. Raymond admitted the theft of two other automobiles for short joyrides two nights prior. In each instance he was unaccompanied.

The young man was born and reared in the city, and was the eldest of three children. His father, an inebriate, died of heart disease shortly before Raymond's arrest. The father had on one occasion been arrested for non-support. The mother was an easy going, rather irresponsible individual who never adequately supervised her children. After her husband's death she seemed almost unconcerned as to the conduct and future welfare of Raymond and the other two children. Some people did not consider her mentally responsible. The maternal grandparents were very respectable people and upon their death Raymond's mother inherited considerable money and property. Bad management on her part, and dissipation on the part of her husband, caused her to lose practically all of it. Not long before Raymond's trouble, his sixteen year old sister had given birth to an illegitimate child. When Raymond was arrested and lodged in jail, the home was broken up and the balance of the family went to live with the mother's relatives.

The young man's school record had been a fairly good one. He had graduated from public school at the age of fifteen. When he fell a victim of influenza a year later, he was a student in a technical high school. His former school teachers reported that he was a well behaved student and made satisfactory progress in his studies. In view of his weakened physical condition after his severe illness, his mother allowed him to remain at home. When he regained his normal health he was not urged to work.

Raymond's employment record is worthy of comment. He told the investigating officer that he did not like work. The few jobs he held were only kept for short periods of time. Previous employers indicated he had failed to apply himself and did not seem to understand what was expected of him. He was unemployed when he became involved in the theft of the car.

Because of his parents' indifference during later boyhood, Raymond had little religious training. When his grandparents were alive, however, his brother and sister and he were regular attendants at Sunday School.

Raymond was described by the investigating officer as a mild mannered, pleasing individual, rather unsophisticated, apparently somewhat depressed, because of his trouble, but frank and courteous. He

had, strange to say, no close associates of either sex. His personal habits were good so far as could be ascertained and observed, and he took pride in his personal appearance. His leisure time was largely spent reading current magazines. At the time the investigation was made he was in good health but took little interest in sports involving physical exercise or competition.

Conspicuous by its absence in the pre-sentence report was a reliable estimate of Raymond's mental status and his emotional balance. The investigator gave too much consideration to Raymond's rather good school record which on the surface indicated normal mentality. If the young man's general make-up, likes and dislikes, tendencies, definite lack of interest in things had been evaluated more carefully a mental examination would have been made, though it might not have disclosed so definitely at the time what the test brought out later. It probably would not have altered the court's decision in placing the offender on probation, but it would have changed the plan of treatment. It would also have saved considerable effort on the supervising officer's part. The investigating officer in making his recommendation to the court felt that the case called for patient and careful oversight, though he expected little in the way of substantial and satisfactory response from Raymond. A woman probation officer, formerly a trained nurse with long experience in probation work, was assigned to supervise Raymond. The plan of treatment decided upon after conference with the case supervisor and investigating officer and after personal observation of the probationer including talks with him, his mother and relatives, established the following objectives:—

1. To reestablish the home.
2. To bring about a feeling of responsibility on Raymond's part.
3. To obtain for him suitable and congenial employment.
4. To persuade him to resume his religious duties through the cooperation of his father.
5. To arouse within him a desire to utilize at least some of his spare time in recreational pursuits with young men of his own age and thus overcome his evident feeling of inferiority and desire to be alone.
6. To have him enroll as a student at night school.
7. To bring about if possible decisive and intelligent cooperation from his mother.
8. To ascertain Raymond's true mental status.

The plan although concentrating on Raymond's needs, aimed to bring about improvement on the part of his family.

After several talks with the young man's mother and some of the

relatives, particularly an uncle who seemed more than passively interested in the probationer's welfare, the home was reestablished. While the mother's need for funds was not acute, the probation officer made her see that her son's financial assistance would help the economic situation in the home considerably. She was asked to assist by urging him to start work. The probationer was directed to several places where work of a suitable character could be obtained. Though the jobs would have involved little or no responsibility on his part and there would have been opportunities to learn a useful trade, he made no determined effort to get employment, nor would he agree to go with his probation officer to employers who were willing to help him. His refusal however, was not prompted by stubbornness or defiance, but was indicative of the boy's lack of confidence in himself and a fixed desire not to come in contact with others. The supervising officer found it impossible to interest him in games and neighborhood clubs, or other group activities. He would not even attend a picture show. In view of this reaction to supervision, the probation officer called in a psychiatrist, and gave him the history of the case. After observing Raymond and conversing with him, he declared it a *pre-dementia praecox* case, and suggested that a change of environment, preferably out of the city, and out of door employment be attempted.

The probation officer secured work for Raymond in one of the county parks. He was to live at the home of the superintendent. The plan was apparently acceptable to the young man, but he failed to report for duty. When the probation officer called at the home the next day, Raymond was hiding in a clothes-closet. The mother seemed to treat the situation indifferently, and cooperation on the part of the relatives lagged. Strange as it may seem, Raymond was punctual in reporting to the probation office, and on each occasion was profuse in his promises to brace up and meet his responsibilities, but there was no other definite response to the probation officer's advice and instructions. Another conference with the psychiatrist resulted in the suggestion that Raymond's plight be tactfully explained to him, and that he be urged to enter the state hospital as a voluntary patient. He did not take kindly to this, and his mother and other relatives to whom the plan was outlined, also objected. It was pointed out that their lack of cooperation and their failure to appreciate the gravity of the problem, were simply postponing the inevitable and that ultimately matters would be worse, but they were determined in their stand. The family physician was appealed to. He also was unsuccessful in his efforts to have the family view the situation in a sensible manner.

At this point the probation officer was puzzled as to the next step to be taken. It would not do to commit Raymond to the state hospital as insane, because he was not yet in that condition. The probation officer as a last resort appealed again to the boy's uncle, who promised to make a determined effort to convince Raymond and his mother that the best interests of all concerned would be served by Raymond's agreeing to enter the state hospital as a voluntary patient. Nothing came of his efforts. Raymond grew more seclusive each day. He seldom left the house. The mother allowed him to assist her with her household duties, and he seemed contented. The psychiatrist suggested that the supervising officer make no further efforts to secure work for Raymond for a time and that the matter be left in the hands of the family physician.

We cannot close our records of the case at this time because some arrangement had to be made to compensate for Raymond's unemployment. His mother, at the officer's suggestion, took in some roomers, and the sister who had given birth to the illegitimate child was assisted through the probation officer's efforts by the public welfare department until she obtained work. When our records were closed, she was earning \$12 a week, the bulk of which went into the home. Advice on home management and the prudent use of the family income was given Raymond's mother by the supervising officer with satisfying results.

After a year and a half during which time the supervising officer used his powers of persuasion and tact to the utmost, we finally closed our records on this case as "discharged *without* improvement", yet, we feel that this family profited to some extent by reason of our contact with it. In the first place, the mother and relatives at least know what is wrong with Raymond and what medical authorities have recommended. It may be that eventually his commitment will be necessary but up to the present he remains the same docile, mild mannered individual, and according to the mother, "is in no way bothersome at home."



## Juvenile Case No. 1

### THE BOY WITH I. Q. 64

Presented by Dr. Olga Bridgeman

*Psychologist, Juvenile Court, San Francisco, California*

The case I shall describe had been known to us since July 1919. It had been followed by the San Francisco juvenile court, until May 1928 when it was finally and dramatically closed.

The boy in the case, on coming before the juvenile court for the first time was fifteen years and six months old. He was a lad who had never been known unfavorably to any agency in San Francisco up to this time. He was brought in, with two other small boys, for stealing an automobile. He had been employed in a factory in San Francisco and had noticed that one of the employers in this factory had a very nice looking automobile. He, and the other boys, decided to have a ride in it one evening. They rode for three hours, and left the car undamaged in the place in which they found it. Three days later they tried the same thing, and the theft of the automobile having been suspected, the boys were caught and admitted then that they had taken the machine before.

This is an offense which is so common with boys of this age that one doesn't take the affair very seriously. Any boy who hasn't an automobile in his own family and some of those who have, are enthusiastic about getting a ride. These lads did no harm; they simply took a ride, the sort of thing which boys have always done. Before the days of the automobile they went off with the horse and buggy, so the ride was not in itself a startling or surprising thing.

*Home Investigation.* An investigation was made of the boy's home. A study of the boy's age, so far as his mental level was concerned, and of his school record brought out several interesting and rather discouraging facts.

The home was not satisfactory. The mother appeared to be mentally deficient, judged from her conversation. No mental tests were made. She declared all the children in her family were perfect. This may not be an indication of mental deficiency. She made however, one statement one day and another the next. Her statement,

statements made by her husband, and the statements of all the children disagreed decidedly. There never was a chance of pinning her down. She said that the boy stayed away from school a great deal. She gave as one reason the fact that a pair of new shoes he had were too small. The boy went down to the store to change the smaller pair of shoes for a larger pair. Then she brought out the shoes to prove they were too small. That shows the mental caliber of the woman.

The father was a person who boasted of all the political friends he had, and his power in San Francisco. He was said to be employed as a walking delegate for one of the stevedore unions.

The boy in question was the oldest child. There were four younger children, none of whom had attracted undesirable attention. The boy, at the time he was summoned before a juvenile court, was in the fifth grade. He had entered school at the age of six. In nine years he had more or less unsatisfactorily made five grades, and during the fifth grade period he had played truant regularly.

*The School and the Child.* This brings us to the matter of fitting the school to the child, or the child to the school, or whatever solution can be made. Here was a boy fifteen years old, who had attended school nine years, and was only in the fifth grade in a purely academic school. There was no pre-vocation work, no manual training work. It showed that something was wrong.

*Mental Examination.* In the mental test given the boy was found to have a mental age of ten years, with I. Q. 64. An I. Q. 64 is one of those mental stages, according to psychologists, not high enough to say that he ought to make good and yet not low enough to say he is absolutely hopeless. It is a stage where we shake our heads in doubt and yet feel that we haven't the right to restrict a child's liberty permanently on this account.

The recommendation made by the psychologist, was that the boy needed good home surroundings; careful supervision because of his limited mentality, and training in a school especially adapted to his mental ability.

Which of these recommendations could be carried out? What could be done with the home? I wish some one, somewhere, could tell us what we could do with hundreds of homes just like this. To correct home conditions of this kind would necessitate going back two or three generations and dealing vigorously with the upbringing and training of the parents, grandparents and great-grandparents and others who had influenced directly or indirectly this boy's life. This lad's behavior was the result of these qualities which his family

had shown for many years. His behavior did not differ greatly from other members of his family, before him. We have to admit at once that in a home of this sort, delinquency is likely to occur. You will notice that it was not a broken home. In order to change it the boy would need to be taken away. However, we cannot take every child out of a home because he isn't getting along well in that home. We cannot say, when a home is very bad, that it is absolutely impossible. There are homes which are dirty, and in which there is disharmony, feeble-mindedness and drunkenness, where the children somehow manage to make good. There were other children in this home we are describing making good because they were on a higher mental level.

It didn't seem fair to say that the home was so bad that the boy should be taken out and given special supervision. So this is what happened. The boy was placed on probation and every effort made to get him in school.

It was found that he had been a persistent truant longer than anyone suspected. A great deal of effort was spent on the case. The father was arrested several times; the boy disappeared from home on two or three occasions, and the parents claimed they could not find him. Everything was done to keep the boy in school during the seven months before he became sixteen and the school law permitted him to get a work permit. The boy found a few jobs in which he could earn fairly good money. He was capable manually of supporting himself. Each time the attendance officer, or the juvenile court probation officer, caught him, he was returned to the juvenile court and his employers were rebuked for employing a boy who was under the work permit age. When the six or seven months were over, and the boy was legitimately able to get a job according to the law, he had formed a very definite attitude toward the court and its supervision of him, and toward the school system. He was in a mood to defy almost any regulation made for him.

By hook or crook, he was kept in school until he was sixteen, at least he was usually there about one day a week. No change in school was made. The family objected for several reasons. Until he was sixteen, he stayed in the fifth grade of the school he had been attending for some time.

*The Chronological Record.* From this time on it was a job of the probation officer to supervise him and see that he was employed and kept out of trouble.

I will run hastily through the boy's chronological record.

July 15, 1919: Date of first arrest.

July 24, 1919: Reported for physical examination, laboratory report, etc.

It was found at the time the physical examination was made after his first arrest, that he was probably a congenital syphilitic, as well as having various other minor diseases like infected tonsils, bad teeth, etc.

The case was continued until some sort of a report could be given as to the need for physical treatment.

August 20, 1919: Probation officer called twice at home but could not find anyone. Left card making appointment for mother but she did not come. Boy had not entered school. Remained out all last term, working part of the time and bumming the rest.

August 21, 1919: Case continued one week, boy to be cited with mother.

August 27, 1919: Boy came with mother. Later entered school. Case continued one month for report of doctor as to need of treatment.

September 25, 1919: Regular in attendance at school. Teacher reports conduct satisfactory. Mother has promised to have treatment attended to. Probation officer to visit when in neighborhood.

October 8, 1919: Truancy reported from school. Mother made one excuse after another. Said he did not have books, that his new shoes were too small, said he had gone to change them and so was absent and then brought the shoes to prove she was telling the truth. Met boy about a block away from school and took him back to school. Had many excuses, all different from those given by mother. Told he would be returned to detention home if absent from school again. Mother promised to attend to treatment but never has done so.

October 9, 1919: Wrote father asking him to come in but with no results.

October 17, 1919: Mother said her husband left town and so could not come in. She again promised to go to Board of Health with boy.

December 18, 1919: Case brought on calendar again. No cooperation from home. No promises kept. No treatment. Mother agrees to anything and never keeps her promise. Truant for more than a week. Sister reported that boy had been arrested with another boy for stealing bicycles and that thirteen bicycles had been found in cellar of his home. The boys had been repainting them and making them over. They had hired younger boys to steal, giving them \$1.00 to \$1.50 for every bicycle brought in. Probation officer suggested investigation and probable institution care.

January 15, 1920: Boy away from home. Bench warrant requested. Father claims he does not know where boy is. Says he has too much to do to bother with him.

January 21, 1920: Father came in, said boy was away and that since he was secretary of the union and had many men under him he could not follow him. It was the mother's job anyway. Warrant sent to police.

February 18, 1920: Boy still missing. Probation officer told that boy spends much time with grandmother but is unable to get her address.

February 26, 1920: Citation sent to father, it being felt that father is aiding in evading the school law. Father said that boy was living with grandmother and working without permit. He says that if the school will not let the boy work, he will send him out of the state so that there can be no interference. Bench warrant issued, with bail of \$1,000 bond or \$500 cash.

March 4, 1920: Sister at school reports that boy has not been in school this year.

March 15, 1920: Father cited to appear. Warrant sworn to, to be issued against father on following Thursday if he did not produce boy by that time. The father refused to do this, saying that the boy was afraid he would be "put away" and therefore would not come. Said the boy had been working till the previous week, but had recently quit.

March 18, 1920: Father brought before court; stated he did not know whereabouts of boy, and had not seen him for two months. Case put over till Saturday. Father told to produce boy or he would lose a good deal more time. Grandmother's address obtained.

April 14, 1920: Boy appeared in juvenile court but did not return to school. Father again before the court and ordered to get boy in school on following Monday.

May 23, 1920: Boy and mother appeared at school. Troublesome but regular in attendance for a week. Continued until end of term. Boy attended regularly. Off calendar.

June 19, 1921: Boy, with three other boys, arrested for stealing an automobile. Case taken up in police court, later referred to juvenile court.

Home: Neat and clean. Mother says boy gives no trouble.

Boy had not been working for a week. Last employed driving delivery wagon for a coal and wood company. Earned \$18 per week in the job. Worked previously in a factory and earned \$20 per

week. Always brought money home and kept pretty good hours. Picked up with a bad crowd lately.

June 23, 1921: Probation with close supervision ordered.

September 15, 1921: Has reported regularly. Bad abscess of face treated by doctor. Driving truck.

December 30, 1921: Face not much better. Much trouble over reporting. Only comes when specially asked to do so.

January 23, 1922: Record satisfactory.

April 9, 1922: Record satisfactory. Letter written to boy threatening him with detention home for violation of probation if he does not come more regularly.

January 22, 1923: Released from probation after a year with no arrests or trouble, except unwillingness to report. Age, 17 years, 9 months.

The boy was now eighteen. He was not brought again before the juvenile court for any offense, nor was any member of the family. For several years he was lost sight of. In August, 1926, it was found that he had been guilty of all sorts of illegal sex acts. He had been guilty of kidnapping, assault, although it was difficult to establish proof of these things. A feeble-minded girl, who was a ward of the juvenile court, was brought before the court involved with this man, and dismissed peremptorily as a more or less satisfactorily completed case.

I do not blame anyone more than I blame myself. It is one of those cases where all the way along things appeared somewhat different, apparently, from what they were. The father of this feeble-minded girl refused to permit the girl to marry the boy on the ground that he was already involved in so many other criminal cases that he didn't wish his daughter further involved. This was in August, 1926.

In September, 1927, after four murders, four highway robberies, one kidnapping, occurring within a period of three days' time, the boy was back again in prison involved with a boy considerably younger.

*What Was Wrong?* I might say, as the "funny papers" do, what was wrong with this picture? How are we to know that a boy with that mentality, from that kind of a home, fifteen years old, docile and friendly, but not easy to put one's finger on when wanted, is going to be a real criminal? We might say this: That any person with a mental level as low as this boy's is in danger of becoming a serious offender. Other facts were brought in. A member of the district attorney's office told me, after the boy's final conviction, and he was convicted three separate times of murder, and sentenced three times to

hang, that evidence was introduced showing that the boy had been addicted to a Mexican drug, which is known to produce a sort of a homicidal tendency. None of this evidence was brought out in the court proceedings, or newspaper reports. It may be that the homicidal tendency was secondary to the effect of the drug. However, a feeble-minded person at large in the community, able to make his living without supervision, is something to be thought about. I am far from making a statement, or trying to bring forth any theory as to just what was wrong or just what should have been done for this boy.

We knew that the home condition was hopeless, so far as dependable standards and ideals were concerned. We knew that the school situation was unsatisfactory in that the boy year after year was going over the same subjects without being able to fit himself happily into any scheme. He showed a willingness to work, but at the same time he was never allowed to, until after his working papers were received when he was permitted to leave school and either find himself industrially or do as he pleased.

Psychologists, not having to take the responsibility of committing a case can easily say, "I. Q. 64 of course, that is where the trouble lies."

There is something wrong, when we are able to know a young person for nine years, and at the end of that time, have him convicted of four murders, four robberies, and a kidnapping, all occurring within a few days.

What we need is more information. What are those items in the life of an individual which make it impossible for him to lead a normal life and shape his conduct according to the regulations which society demands? How far is the school responsible for adjusting its curriculum which, after all, is developed for the majority, to fit this very difficult minority? How far is the court responsible for continuing supervision for a long period after there is apparently no need for supervision? We have had a good many cases where boys were placed on probation and gave no difficulty whatever, and a few years afterwards committed very serious crimes. Something is wrong. Does it mean that a certain number of individuals are, by nature, of such a type that they must be restricted in their liberty, in the sense that some permanent supervision must be applied? If this is so, how are we going to define the individual for whom permanent supervision and permanent care is needed?

I am quite unwilling, myself, to define feeble-mindedness. I am quite unwilling to say what constitutes a need for permanent super-



vision, but I do wish to say, most emphatically, that those items are two facts we need desperately to know.

Then there is another thing: What are we going to do about the homes? All of us agree, I think, that the home is the beginning of everything. A bad home rarely develops good citizens; both heredity and environment enter in. What shall we do about these things?

#### DISCUSSION

CHAIRMAN SNEDIGAR: I am sure that Dr. Bridgeman invites criticism or discussion of the case she has just presented.

MR. DIBERT (Head of Boys' Work, Probation Department, Oakland, California): Did you have a psychiatric examination made in 1919?

DR. OLGA BRIDGEMAN: No, in 1919 we didn't have the facilities for that. However, we now have a routine psychiatric examination.

MR. DIBERT: Did you ever consider sending the boy to the Sonoma State Institution for the Feeble-Minded?

DR. OLGA BRIDGEMAN: No, because it had been demonstrated that he was capable of earning his own living, and his I. Q. was 64 and in those days "I. Q. and mental levels" were even more bunk than they are now. That was the thing we, as psychologists, might have considered. If we, in San Francisco, however, send to the Sonoma State Institution every person with an I. Q. of 64, a much larger institution would have to be built, and we should be poverty stricken because of the taxes. There are many thousands of people in San Francisco, respected citizens, who have an I. Q. lower than 64.

MRS. RUNGE (Probation Officer, Juvenile Court, St. Louis, Missouri): It seems to me that the boy might have turned out differently if he had been able to go to school where vocational work was taught. He wanted work and was not allowed to work because it was against the law. There ought to be an exception made in such cases. If he was not permitted to go to another school and be tried out in vocational work, if he wasn't allowed to work because of the law, and there could be no exceptions made, why could he not have gone to some sort of an institution where there was vocational work, and so have gotten away from his home?

DR. OLGA BRIDGEMAN: May I answer that? Last year a youth was brought before the juvenile court for stealing an automobile. The boy said, "You can steal seven automobiles before you are caught. You can risk getting caught up to the seventh time before they will bring you into the juvenile court. This is the first time I have been caught." This is true and perhaps it should be so. What would happen if every time a boy was brought before the juvenile court for stealing an automobile, especially if he drove it and took it back unharmed, he were sent to an institution?

Had we foreseen murders, highway robberies and sex delinquencies, our whole handling of this case from the beginning would have been different, but we saw only a fifteen year old boy, docile, friendly, and amenable enough when he was right under somebody's thumb, mentally subnormal, unhappy in school, usually running away from school to work, a boy neither defiant nor violent. Should we have foreseen that this kind of a boy would turn into the terrible criminal he became?

MRS. W. F. DUMMER: Haven't you, in San Francisco, special rooms for children whose I. Q. is low?

DR. BRIDGEMAN: Yes, but not enough special rooms to take care of every child with an I. Q. of that level. Furthermore, this boy attended a private school.

W. E. COFFMAN (Oakland, California): The school law of California now provides that a boy under 16 years of age may be given a work permit, if the principal of the school which the boy attends certifies that it is in the interest of the boy. In Oakland, a boy under sixteen with a low mental grade, who cannot well be kept at school, is given such a permit by special permission and in accordance with the school law of California.

DR. BRIDGEMAN: Those things are being done occasionally now. The school department is cooperating, but it takes time.

JUDGE MORGAN: I believe that the case discussed is one in which there should have been closer cooperation between the court and the school. Whenever we find a boy with an I. Q. such as Dr. Bridgeman just cited, we stretch a point in Utah to get him employment with the approval of the school authorities. In many cases work has been found to be the solution to the difficulty.

DR. BRIDGEMAN: I think that is true.

MR. JOHNSON (Bakersfield, California): I believe the solution in California, would be a county industrial farm where we could keep these boys for a couple of years until they were adjusted. They could be given training on the farm and a chance to work off surplus energy. I have been advocating this for Kern county; but, as yet, the Board of Supervisors has not backed my endorsement.

## Juvenile Case No. 2

"ALBERT"

Presented by W. H. PRESCOTT

*Chief Deputy, Probation Department,  
Los Angeles, California*

This is the case of a boy thirteen years of age who came before the court two years ago. He is a white boy of American parents. The petition was filed by the Juvenile Police Bureau, the boy having run away from the McKinley School for boys and the school refusing to allow the boy to return.

It was reported that Albert had been placed in this home for boys because he presented a problem in his own home for several years; his mother could not manage him and he had been stealing in the neighborhood. It was said that a year previous he had stolen two bicycles from a playground and about \$4 worth of drugs from a drug store which he sold to another drug store. Following the settlement of this matter, he was placed in the home for boys. At the time of the filing of the petition, the boy's father was in San Quentin prison on a charge of incest and the mother had returned to her old home in St. Louis, Missouri.

### *Family History*

*Paternal Relatives:* The paternal grandparents of the boy were of German descent. Both are dead, having lived to the ages of seventy plus. Nothing much is known about them.

*Collaterals:* Four in number; three aunts, two in the east and a third aunt, about forty years of age, living in Los Angeles. She is a woman in good physical condition but extremely nervous, always stating that "she cannot stand things as she is too sympathetic." This aunt was the mother of two normal children and one feeble-minded child.

*Maternal Relatives:* Maternal grandfather died in his sixtieth year. He was a business man of good standing in the community. Maternal grandmother is in her sixtieth year and lives in St. Louis. She is described as intelligent, of good executive ability and "great,"

on managing the family. Loves to have her own way. Made the mother's life hard for her when she was a child. Since the grandfather's death, the grandmother has kept a boarding home. Before the mother's marriage she assisted in this work. Following the father's arrest on the incest charge, the maternal grandmother came to Los Angeles and took the mother and Albert's two sisters back to St. Louis but was soon unable to assist them financially and they returned to Los Angeles. It was said that she was opposed to the father and tried to separate the parents and that she was always somewhat distant to the mother.

*Collaterals:* Two married aunts who live in the east, respected citizens, nothing much known about them. Two unmarried aunts, working girls, who help support the family. Two uncles, one in the thirties, a drug addict, has embezzled money at different times, which his mother paid at heavy sacrifice to herself.

*Father:* Was born in 1885 in Cincinnati, Ohio. At the time of the recent war he changed his name from the German spelling to American spelling. At the present time he is in the San Quentin prison convicted of incest against his two daughters, Betty and Mary. He married the mother in St. Louis after a three months acquaintance. He had a grade school education. His occupation is that of an electrician and also that of a piano tuner. He is said to never have kept a job for very long at a time, never earned a great deal of money and was not able to support his family entirely. He never worked steadily. As to religion, he was at one time a Christian Scientist, later joined the Four Square Gospel of Aimee Semple McPherson and is now a Seven Day Adventist.

In May, 1926, the mother learned from the daughters that the father had been engaging in sex play with them for about two years. He was arrested, pleaded guilty and was sentenced to twenty-five years in San Quentin, beginning his sentence July 1926. The mother's description of the father is: "He is not sincere; it is his lustful, selfish, sinful life that has brought all this sorrow and separation upon us." She stated he used his religion as a cloak. After the father's sentence to the penitentiary the mother declared "that if she did not secure a divorce she knew she would go back to him upon his release, because he was 'a prince of a lover.'" A brother-in-law's description of the father was "that he has always been a clean, straight, hard-working man and all the bad luck in the family had come to him." The maternal relatives said of him, "He always had an automobile and was always somewhat sporty."

The probation officer describes him as, "Nice looking, appeared to

be well educated; cried easily and appeared to be easily moved." Since going to San Quentin he seems to have learned to adjust himself very well. He writes pleasant letters, types nicely and is extremely interested in his family. He is very religious in his speech, writes letters of repentance and appears to be very pious.

*Mother:* Born in Missouri in 1885 of American parents. Died at the age of forty-two, cause—heart trouble. When thirteen contracted pneumonia, which left her with a weakened heart condition. She suffered for years with leakage of the heart and was constantly in hospitals and sanatoria, both in St. Louis and Los Angeles. High school education, took seven months nurses training and had to discontinue because of illness. She then helped the maternal grandmother in her boarding home. It was here she met a maternal aunt and through her met her husband, whom she married, as stated, in 1912, after a three months' acquaintance.

The mother resented all pregnancies; twice attempted to produce abortions. She once attempted suicide.

After the father was sentenced he wrote the mother asking her to help him win his release by declaring him insane and the mother spent most of her time in hospitals; she worried a great deal about her family and finally showed evidence of mental instability. According to the father, the mother had been sick nearly all the time since their marriage and particularly the last five years. He stated that when she was well she was a good housekeeper and a splendid cook; kept the children clean and loved them in her own way. It was the father's opinion that many of his wife's actions were the result of her frail condition. He describes her as,—“The sweetest little woman one could wish for in her rational periods.”

*Elizabeth:* Fifteen, born August 1913 in St. Louis. Has been a ward of the court since June 1928. In a psychological group test given by the school a year ago she scored 78. She is now in the A-9th grade, El Monte High School. She works in a Kress store on Saturday afternoons. According to the boarding mother, Elizabeth is like a mother to her sister Mary and brother Harlin. Takes the whole burden of the family on her shoulders. She is described as being inclined to be a little sly in getting her own way and to “lord it” over Mary. She is said to have been the mother's favorite and always able to get her “mother's ear.” She was the mother's companion and appears much older than her age. She was manager in the home for several years before her mother died.

*Mary:* Thirteen, born January 1916. She is in the boarding home with her sister, Elizabeth. Her I. Q. was 85 in a psychological

group test given by the school. She is in the 7th grade. She is being treated for sinus trouble, otherwise her physical condition is good. She is rather large for her age; rather rough, impetuous, bubbling over with mischief, quick to do things for which she is later sorry. She is described as one to be preferred to the older sister; that she has neither slyness nor deceit. Both sisters are fond of Albert. Elizabeth tends to him and Mary quarrels with him constantly.

*Albert:* Twelve, the patient.

*Harlin:* Eight, born March 1920. He is now in a boarding home and was formerly in the McKinley Home for Boys with the patient. He was described as being resentful because the aunt and uncle did not visit him and was homesick because no one came to see him; seemed to resent the other boys' company, and so his removal seemed wise. He was then placed in a home where he could be near his sisters. His health is good.

#### *Home and Home Conditions*

From the time of the parents' marriage in 1913 until they came to California in 1922, they lived in or near St. Louis. The father never stayed in one place any length of time. During the last year and a half he lived near St. Louis, the family lived in twelve different places. There are two different addresses listed in Los Angeles for the family from 1922 until April 1925, at which time the mother and the brother Harlin, returned to St. Louis, while the father and the other children remained here.

The home was broken following the father's arrest and his sentence to San Quentin. The mother was in a hospital and sanitarium for a time and the children were placed with various friends.

The patient was placed in the McKinley Home for Boys, August 1926. This was the patient's first placement. In the home he was at first unruly and then showed more improvement than any boy in the home during the same period. Following this placement in August 1926, the boy has lived in foster homes.

*Economic Status:* The mother has not been employed outside of the home since her marriage. The father did not have steady work and barely made expenses and could save nothing. The average rent paid by the family was \$22.50 to \$25 per month. The case has been known to the Los Angeles County Charities Department, coming to their attention in April 1925 when the mother asked for transportation rates for herself and Harlin to St. Louis. This

was granted. The case was again known to the Charities Department in June 1926 after the father was arrested on the incest charge. State aid was then secured for the children and the family was cared for by the Outdoor Relief. The Adventist Church also gave some help with food and free medical attention.

### *Personal History*

Albert is now thirteen years of age.

*Developmental History:* Mother resented pregnancy which was said to be her attitude toward all the children. From six weeks to four months after conception of the patient, the mother twice attempted abortions. These brought on the complications of inflammatory rheumatism and increased the heart defect. It was three months before the mother recovered sufficiently to be about; never recovered from the effect of the heart trouble. During pregnancy the mother was unusually high strung and nervous. On one occasion it was said that in a fit of anger she became fearfully enraged, screamed, began to smash cups and saucers. During these spells she was never amenable to reason.

*Health:* Patient has had tonsillectomy and has been fitted with glasses. His defective speech takes the form of stuttering.

*Habits:* He is described as being A-1 in his personal habits and appearance. Likes to look well and is neat. When first taken up to the boarding home he had little or no home training, used vile language, had bad table manners, was very quarrelsome with the other children. When the family was under the supervision of the Charities Department, the neighbors reported that the patient made sex advances to some little girls in the neighborhood and also taught Harlin bad habits. Elizabeth reported that the patient and sister Mary, had made attempts to have sex relations. The mother reported that the patient used to examine the little girls in the neighborhood and a boarding mother reported that he had chased girls into the toilet in the park. The probation officer doubts the value of this information as indicative of sex abnormality as the boy has never shown serious tendency in this direction. His stuttering makes it difficult for him to get along with a crowd of boys.

*School:* He ranks last in the 5th grade. His progress in school has been slow and it is hard for him to learn; it requires constant effort on the part of the teachers and the boarding mother to make him pass a grade. Last spring was the first in some time that the patient had passed. His eye trouble has made it somewhat hard for him to get



on. He has done better in school last year than ever before. Teachers give him special attention, keep him after school to coach him, and are fond of him. He made a good record on the school grounds and in the schoolroom.

*Interests and Recreation:* Patient has no special interests, however he liked to help the boarding mother cook and did it very well. He also enjoyed assisting her with the house work.

*Companions:* Appeared to have no special friends or confidants; refused to play with other boys in the school playground. He has little regard for the rights of others; is not generous nor sympathetic.

*Conduct or Problem Presented:* According to the father the patient was hard to handle as a child. He stated that the patient had told falsehoods since childhood and has stolen little things in the neighborhood and fruit from stores. In 1926 he stole from drug stores, and fruit stands. He also stole two bicycles from a playground. In January, 1928 he stole from a drug store in Pomona, rifled the mailbox of the nextdoor neighbor, tore up the contents and stated he was looking for money. He also went to the park and broke \$150 worth of electric lights and window panes. McKinley Home reported that he destroyed things, that he tore up his bedding, spilled ink on the carpet and never took care of anything.

At the time of the filing of the petition the boy was in the detention home where he had been observed and had been given a physical and psychological examination. The result of the physical examination was: "Negative Wasserman, general physical condition good." The mental examination showed,— "Intelligence Quotient 99%; diagnosis; normal, unstable. Handicapped by nervous instability evident in his stuttering; poor motor control and poor mental control. Irresponsible and superficial in application." The recommendation was speech training, environment with sufficient freedom for correction of his nervous condition and opportunity for wood working and recreation in sports. Very elementary in taste. Institutional report was that he was unhappy in Juvenile Hall. Was unpopular because of continual quarrelsomeness.

The detention home school report: "Attitude and conduct, fair."

### *Case Treatment*

With these findings and the above mentioned behavior in mind, the probation officer recommended placement in a foster home, to be carefully selected according to the needs of the boy. A boarding home was found which had been known to the probation depart-

ment and whose foster mother had been very successful with problem boys.

In August 1927, the patient was placed in this boarding home. When Albert was first placed he presented a problem as it was difficult for him to get along with the other boys and he objected to any authority in handling him. In September he started to attend school. The boy had improved in appearance and was learning to adjust himself to other boys in the home. Upon placement the boarding mother devised a plan to interest the boy by teaching him to cook. This was done with the idea in mind that it would keep him beside her on Saturdays and out of mischief. Albert responded to this idea favorably, took a great liking to his duties and learned to do them very nicely. According to the boy he was happier in this home than he had ever been anywhere else. At the end of January following, Albert began to give trouble. He went into a downtown drug store from which he stole candy and gum. He rifled the mailbox of a neighbor. The boarding mother arranged that he should pay for the candy and gum out of money he was earning from the sale of magazines. After this outburst he settled down again fairly well. The boarding mother popped corn which she arranged for him to sell so that he might earn money for beach trips. There had been some difficulty in the school and this too had quieted down. The boy seemed to respond to the responsibility and trust that was placed in him by the permission to go about selling popcorn.

The Elks Lodge became interested in the boy and furnished him with new clothing and shoes which gave him great happiness. The outburst in January followed the news that his mother had died. This also included some stealing and the destroying of lights worth about \$150 in a public park. The boy admitted having done this. It was about this time that he rifled the mailbox of a neighbor, tearing up the letters and throwing them in the bushes. In February, the patient was given an examination by a psychiatrist.

The psychiatrist reported that his investigation brought to light the existence of a constitutional psychopathic state with antisocial tendencies. He expressed the opinion that the boy required very close and skilled supervision and guidance. He doubted that a private family could provide for him the kind of care which he needed. He stated that the condition from which the patient suffered when seen in grown-up persons is usually characterized by a poor prognosis for improvement or recovery, but a large percentage of children exhibiting this condition are successfully rehabilitated, and as they mature the antisocial tendencies subside.

With this in view he recommended commitment to the state school. Application was made but the long waiting list made it necessary for the boy to remain in the detention home for a period of several months. Another effort was made to place him in a boarding home. His former boarding mother consented to take the boy into her home again. This plan pleased him very much. Following this the boy did good work in school and his teachers wrote notes of appreciation to both the probation officer and the boarding mother in regard to his attitude. The boarding mother took unusual interest in him, keeping him with her constantly, giving him as many privileges as possible. After the episode of the park lights, the privilege of going to the park unaccompanied, was denied him. A doctor in the community took an interest in him in the hope of helping him to overcome his stuttering. He took the boy out on hikes and to the circus. On all of these excursions he dropped hints as to what was the manly and proper attitude for a boy. The interest of the doctor seemed to appeal to the boy's pride and he showed more self reliance. The boarding mother reported that on correction he sulked for a time, appeared to be thinking over what she said, and then agreed that he had not done the right thing. The boarding mother worked very hard with the boy and with her help he managed to pass into the fifth grade and overcome a number of his disagreeable habits. Several times during the year he had spells during which he smashed and broke private property but these spells became farther and farther removed, as did his temper tantrums. At this time the boarding mother decided to take up another type of work in the community and give up her boarding home. This was in August 1928.

While this arrangement was being contemplated, the patient in the company of another boy, went to the park for a swim. There Albert located a pocketbook and sent the other boy to steal it. The owner raised a row and the purse was returned. The boys were taken home by the police. Since the boarding mother was giving up her home, an attempt was made to find a ranch where he would be given the opportunity to have a good outlook and at the same time have good supervision by a man in the home. It was believed that this would give him an opportunity to live in a home where there was a normal life between the man and woman. This was something which had always been lacking in the boy's life. The former boarding mother had been a widow.

At the time of this placement the probation officer expressed fear of its being unsuccessful and that Albert might not be as happy as he

believed. He was placed on August 17th, and on September 10th he ran away. When found by the police he had traveled from the ranch to a small town near Los Angeles, the distance of about 100 miles. The boy stated that he was unhappy in his ranch home; that what he wanted was a real farm, but most of all he wanted to go back to the town where he had formerly boarded, where all his friends were, where people knew him and would be nice to him and where he could be near the former boarding mother. In traveling from the ranch home; the boy stated that he "bummed" rides and only because he was hungry and had no place to sleep did he decide to turn himself over to the police.

Following this the boy was studied by the juvenile court psychiatrist. His recommendation was that the boy be placed in a private home, preferably with a very small group of boys; that he should be fitted with glasses as his vision defect was quite marked. At this time the first boarding mother again came to the office and agreed to take the boy into her home and in September of last year, he was again placed with her. So far as the boarding home was concerned all went all, but following the second week of his entrance into the public school he was in trouble and in October the teacher refused to keep him in school any longer.

The report of the teacher was as follows: "Not normal, takes things from other boys, torments children, can't do his work, independent, refuses to obey, impudent." At this time replacement became necessary. In December of last year the boy was again interviewed by the juvenile court psychiatrist. His report stated: "He is alert, frank and apparently honest in his statements. He admitted most of the facts alleged against him, but denied a few which leads one to think that there may have been mistakes in observation. He is obstinate, suspicious and rather thoughtless of others. He makes contradictory statements and it is noted that he twists facts in his own favor. He shows the results of his early training in his tendency to demand his own way and his lack of consideration for others. He is suspicious of those in authority over him and puts the worst construction on what they do. Although he must be considered of normal intelligence, there are certain elements in his mental make-up which are underdeveloped. Among these might be mentioned self-control; persistence in things he undertakes and the ability to see his actions from the viewpoint of other people. This is further shown in the wide scatter seen in the psychological test."

It is still the opinion of the psychiatrist that the best means of adjusting this boy would be to place him in a private home and that

the chances for his rehabilitation by institutional treatment are very slight. To profit by the previous failures it would be well to select a boarding home containing a small group of boys all of whom are older than the patient. He should be under fairly strict discipline but should have sufficient freedom of action to acquire greater self-confidence. His school placement should be considered carefully and should include handwork and vocational training to a large extent.

Albert was placed in a boarding home where there were older sons in the family and no other boys outside of the family. One of these sons had the same speech defect as Albert and it was believed there might be a feeling of sympathy. The boy appeared particularly joyful in this new home. An effort was made to strengthen the bond between him and his brother and sisters by frequent visits between them.

There was some trouble in connection with the boy's fighting at school, but he appeared to be making an honest effort to overcome this trait. On one occasion he said to the boarding mother, "Gee, you don't know how hard it is not to fight, my fingers itch to lick those kids that razz me."

In April the patient's brother, Harlin, was placed with him. This made him very happy. The boarding mother reported that Albert had discontinued his falsehoods and was trying very hard. She stated that he had been working and had earned some money to have his shoes half-soled. However, she stated that he was a spend-thrift, upon which the probation officer took up with her the necessity of having the boy taught saving habits and the development of a sense of responsibility in him. In May, the boy was permitted to help cook in the cafeteria at school. The cook asked him to take care of her lawn during the summer. Albert was also one of the monitors at school.

This brings the case up to the present and while we realize it has not reached a period of adjustment, we are hopeful of the outcome, due to the fact that the boy's response and his outbursts of temper and misbehavior are less and less frequent. We realize the credit due to the first boarding mother who showed patience, skill, tact and intelligence in handling the boy and his problem. The secret of success in probation lies in an opportunity for the proper placement of our charges.

#### CASE ANALYSIS

##### *1. Hereditary Factors:*

Respected paternal and maternal grandparents

Delinquent maternal uncle; drug addict and embezzler

Industrious collaterals exception one uncle  
 Highly nervous paternal aunt  
 Feeble-minded cousin  
 Emotionally unstable mother  
 Unhappy girlhood of mother due to dominating grandmother  
 Unstable father  
 Imprisonment of father  
 Father religious fanatic

II. *Environmental Factors:*

Frequent change of environment  
 Friction in home  
 Poor material home  
 Outbursts of temper by the mother  
 Unwelcome child  
 Imprisonment of father

III. *Personality:*

*Liabilities*

Stutters and poor eyesight  
 Stealing  
 Runaway  
 Temper tantrums  
 Resents authority  
 General instability  
 Defective discipline by both  
     father and mother  
 Broken home  
 Sensitive

*Assets*

Normal intelligence  
 Negative Wasserman  
 Affection for siblings  
 Frank regarding misconduct  
 Attractive appearance  
 Responsive  
 Desire for affection

*Summary of Treatment*

Examination and observation  
 Placement in normal home  
 Correction of eye defect  
 Occupation of leisure time  
 Special attention in school  
 Help with school work by board-  
     ing mother  
 Earned privileges  
 Examination by psychiatrist  
 Development of sense of respons-  
     ibility

Appeal to pride  
 Established trust  
 Big brother relationship  
 Second examination by psychi-  
     atrist  
 Love of approval  
 Praise  
 Love of boarding mother  
 Cooperation of school with em-  
     ployment

## Juvenile Case No. 3

### "GEORGE PAPPAS"

Presented by William McGrath, Probation Officer,

*Juvenile Court of Cook County, Chicago, Ill.*

Mrs. Pappas states that her son, George, ten years of age, needs placement in a correctional school. Last week he was arrested by the police, charged with the theft of an automobile. This case was adjusted by the police probation officer. The parents of the two boys involved paid restitution of \$50 each.

#### *Social Service Exchange*

The investigating officer telephoned the Social Service Exchange and learned that this family was not known to any other welfare agencies.

#### *Visit to the Pappas Home*

Family occupies a six room apartment on the second floor of a rather shabby three story building. The street on which this building stands is of indeterminate respectability. The houses are old fashioned and need paint and repairs. The rooms are fairly well furnished. There are a few well tended plants in the windows and a meager scattering of religious pictures on the walls. The neighborhood is an industrial one. One of the parks nearby is used as a recreational center.

Mrs. Pappas is a native of Illinois. Her mother was French, her father Italian. Mr. Pappas is in his thirty-ninth year. He emigrated from Greece to the United States when thirteen. He was in the sixth grade of school in his native country. He is a citizen of the United States. The family has lived in Iowa, Michigan and Illinois. Mr. Pappas has owned stores or been employed as a clerk for relatives who have operated stores. At this time Mr. Pappas is working in the fruit store owned by a relative. His wages are \$35 a week.

In 1915 they secured George (their only child) through legal adoption from St. Theresa's Home in Iowa City. In his eighth



month, four months from the date of his adoption, George became ill. He was returned to the Home until his physical condition had improved. In his eleventh year he developed serious conduct problems. He stole money from his mother and relatives. Within a week he had taken \$35 from his mother's purse.

He appears normal but spoiled and impudent. He discusses his companions and their escapades with a spirit of bravado. He speaks kindly of his aunt's home in a rural community in Michigan, saying, "In Michigan you don't have to stay in the house all day."

The officer feels that Mrs. Pappas is anxious to get ride of George. She suggested that the adoption papers from Iowa were invalid in Illinois. She is of the opinion that George is "of bad blood".

#### *Report from St. Theresa's Home, Iowa City*

George is the illegitimate child of Ingrid Gustafson. He was brought to the Home by his mother when he was ten days old. The mother had come to America from Sweden two years previous. She has one sister in Chicago and one in Michigan but they are not interested in her. She was in touch with St. Theresa's Home at intervals over a period of eleven years. Her work as a domestic permitted her to return occasionally. She has a jealous disposition and a fondness for drink. She developed a strong affection for other women, either the Sisters or nurses, and was upset if they talked to other people. She claimed that she inherited this and her tendency for liquor from her father. Through these tendencies her father had made her mother's life unhappy. She found it hard to give up her child and begged to know where he was. When she did find him, she watched him at play. When Mrs. Pappas suggested returning the boy to her, the mother did not want him. Shortly after she left the city and has not been heard from since.

#### *Plan of Approach*

The officer plans to arrange for a complete study of the boy to include psychological and psychiatric tests and a physical examination. Advice to the family will be withheld until after this study is completed.

#### *Mrs. Pappas and George at the Court*

Mrs. Pappas asked for the immediate placement of George in the detention home. He has displayed no improvement in behavior. It

was also the interviewer's impression that Mrs. Pappas was anxious to get rid of George. After the study made at the Institute for Juvenile Research she will have a better understanding of George's make-up. It was explained to Mrs. Pappas that frequently behavior is influenced by relationships between parents and the child. It was explained to Mrs. Pappas that the Institute for Juvenile Research, in its complete study of George will attempt to make this interpretation and help them toward a better understanding of the boy.

#### *Home Visit*

Mrs. Pappas and George were interviewed. Mrs. Pappas complained bitterly that George and a nine year old companion broke the window in the store of a merchant in the neighborhood. Her nervous ailments are increasing through the annoyance caused by George. Mrs. Pappas nagged continually and "yelled" at the boy. Although it was ten o'clock, the boy had not left for school.

Probation officer accompanied George to the parochial school; interviewed his teacher. In class George behaves well and displays considerable ability in arithmetic.

#### *Interview with Truant Officer*

The truant officer sympathized with Mrs. Pappas and thought court action for the placement of George in the truant school should be considered. The probation officer suggested that such action be delayed until the psychiatrist's report had been received, at which time a constructive plan of treatment could be formulated following the recommendations of the Institute for Juvenile Research.

#### *Report from Institute for Juvenile Research*

The study made at the Institute for Juvenile Research included social, mental, physical and psychiatric examinations of George's make-up, personality and relationships with his parents, other adults and children.

#### *Psychological Examination*

Chronological age 11 years, 4 months

Mental age 9 years, 2 months

Intelligence quotient 82

Dull and backward

Comprehension for direction, poor.

### *Findings from Physical Examination*

Underweight, 6½ pounds  
Notched teeth  
Poor oral hygiene  
Tremor of hands  
Vasomotor disturbances  
Submerged, cryptic tonsils.

### *Psychiatrist's Statement*

George is apparently attempting to compensate for a feeling of inferiority by associating with older boys and claiming athletic ability.

A nutrition program is urged to bring him to normal weight. As a help in this effort a tonsillectomy is recommended and an examination of the spinal fluid.

### *Recommendations*

Nutrition  
Tonsillectomy  
Examination of spinal fluid  
Recreational interview\*  
Cell count  
Globulin and gold chloride test  
Social treatment by psychiatric social worker  
Mother to visit psychiatrist.

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\*The recreational interview is a procedure instituted at the Institute for Juvenile Research to evaluate a child's interest and abilities in social intercourse or play. An intensive review of the child's possessions for play purposes is made by the psychiatric social worker. Several members of the social service staff of the Institute devote their time to the study of recreation. They are conversant with resources and equipment for recreation in all districts of Chicago. After they learn the personality problems of the child a recreational program is planned for him. Frequently they assume responsibility for extensive case work in order to give a recreational program for a problem child. (Further details of the recreational interview are available upon inquiry to Claudia Wanamaker, Institute for Juvenile Research, 907 South Lincoln Street, Chicago.) The Institute for Juvenile Research maintains cooperative relationships with the juvenile court. The court probation officers, carrying large case loads, are frequently unable to make the necessary intensive study. The close relationship between these two agencies makes it possible for the psychiatrist to recommend that the probation officer withdraw from the situation until the psychiatric case worker has made an intensive study.

### *Resume of the Court's Work with Boy and Family*

From the time of the first complaint in this case the trouble between George and Mrs. Pappas continued; George was truant from school several times and both George and his mother failed to cooperate with the court and the school authorities. Numerous conferences were held by the probation officer with the truant officer and the psychiatric social worker. It was finally decided that George should be committed to the parental school. At this time the juvenile court closed its case.

George showed considerable improvement at the school and was released after a few months. Almost immediately new complaints began to come in from Mrs. Pappas as well as from the school authorities who reported that George was a member of a gang.

The Juvenile Protective Association formulated a plan of treatment for the boy but he would not follow out their ideas.

Mrs. Pappas applied for George's admission to the Glenwood Manual Training School but the school refused to admit him after learning of his record. The mother has apparently lost all interest in the boy and is anxious to get him off her hands. She has failed to cooperate with any of the workers.

George continued to steal and to have trouble at school so he was finally assigned to the Oaks School whose purpose is to study and treat border-line children who are not eligible to the state institution for the feeble-minded. George was given special instruction at the Oaks School. He was interested in the extra-curriculum activities but made little headway in his studies. George gained nine and one-half pounds while there. He became unduly interested in sex matters and was given special talks on the subject. He also became very impudent to the teachers and supervisors. George was at the Oaks School for about one year and was then released to his mother under the supervision of a probation officer.

Both George and his mother continued to be most obstinate in their attitude toward the wishes of the supervising officer. The psychiatric social worker summed up George's case as follows:

We do not know either the source of George's behavior or its causes. His illegitimacy and adoption into a faulty home were factors. Mrs. Pappas' infantile reactions were of great importance. George finds that he is a figure of importance at home, attracting attention from his parents by his behavior. When George acquires a sense of security in his association with boys, his demands for an important position in the family circle will be minimized. If he acquires this position among boys through scholastic, athletic or

social achievements, the result will be much the same. One of the first things the probation officer asks is that the school cooperate in seeing that George enters the group without feeling that his history or previous behavior is given great concern. If Mrs. Pappas comes to the school and seeks an opportunity to talk about the boy, it would be advisable to accept her in a patient, sympathetic manner but withhold the fact of her visit from the boy.

After George's release from the Oaks School he was supposed to return to the public school but two weeks after his release he had not shown up at the school. His mother stated that she was keeping George out so that their family doctor could complete certain examinations that he had started.

This brings this case up to the present time when we are still trying to work out a satisfactory adjustment between the boy and his mother; it seems rather hopeless after three and a half years of work, but we hope to get George safely through the period of adolescence. If this can be done we can undoubtedly then work out a plan for him that will be more to his liking.

I realize only too well that this case story does not show outstandingly successful results but it is offered to show the types of cases that we are dealing with and how difficult some of them are. I also feel that this is a case story that presents many points for discussion.

## Mental Diagnosis and Probation

E. VAN NORMAN EMERY, M. D., *Director,*

*Child Guidance Clinic*

*Los Angeles, California*

The meanings which gradually become attached to a word constitute a fascinating psychological phenomenon. Back in the distant past most words, by accident, or intent, came to be used as symbols for certain objects, happenings, ideas, et cetera. After a time as the word was used under varying conditions its meaning slowly changed. As time goes on the word may be used in many different situations and so gradually come to have many shades of meaning. In each situation in which the word is used it tends to carry with it something of the flavor or the implication which had become attached to it in other situations. This is especially true of the word "diagnosis". The Century Dictionary indicates that it came originally from a Greek word meaning to distinguish or discern.

In recent times the word "diagnosis" has become almost the sacred property of the physician. As a result, it has become so closely associated with the word disease that the two words are almost inseparable. When physicians developed an interest in atypical mental states they brought with them into this new field the two words diagnosis and disease. As a result, the efforts of psychiatrists for many years were spent endeavoring to force various groupings of atypical mental states and processes into corresponding array of pigeonholes which they labeled mental diseases. This process was called "making a diagnosis." Having successfully attached his two favorite words to almost every group of the more disastrous mental states, the psychiatrist now turned to the field of delinquency, bringing his two magic words along. There is real magic in big words and fine phrases. When one uses the term *dementia præcox* one is using a mysterious sounding term as a symbol for a peculiar and mysterious mental state. When one uses the words "constitutional psychopathic inferiority" one feels as though he has said something striking and unusual in order to describe a striking and unusual mental state. One feels satisfied. One feels as though he had settled something, as though he had accomplished something. These words

are generally used with a tone of finality, with the sort of tone we usually use when we have finished something. This is where the magic comes in. When we use these words we unwittingly think, feel, and act as though we had solved our problem, it is settled, settled in the minds of the persons who use the diagnostic phrase and many times this attitude settles the fact that little will be attempted for the patient.

### *Mental Diagnosis*

Mental diagnosis has come to mean several different things when used in connection with behavior problems. It may mean an attempt to permanently establish the individual's status with respect to his level of intelligence. Mental tests are an extremely reliable instrument of precision. However, as is the case with all instruments of precision, the accuracy of the instrument is one thing while the accuracy of the reading and the interpretation of the reading may be two totally different things. The instrument may be accurate, while both the reading and the interpretation may be inaccurate. The value and reliability of an intelligence quotient is dependent almost entirely upon the skill and experience of the particular examiners. In skilled hands it is an invaluable aid. But it takes into consideration only one phase of the child's development, so should scarcely be considered as a total mental diagnosis.

There are other conceptions prevalent as to the nature of a mental diagnosis. Some psychiatrists have brought with them into their work with delinquents relics of the terminology of the state hospital, so that one frequently hears the terms psychopathic, pre-psychotic, schizophrenic, pervert, kleptomaniac. Some of these terms may be of scientific interest to psychiatrists engaged in special research with delinquents, but they have little value in helping us to understand the child and his problems.

Frequently the psychiatrist is asked if a particular child is normal mentally or he may be asked if the child is abnormal mentally. Such questions are asked in a manner which indicates that a very important decision rests upon the psychiatrist's reply. In other words, normality or abnormality carries with it a great significance when we are using the term to describe a child's mind. As a matter of fact, any child who can be called delinquent fairly, must have departed from the average in his behavior and so in this sense is abnormal mentally. To place upon him such a label would carry with it implications that would be entirely unfair in the majority of cases.



### *Labeling Behavior*

There are a considerable number of delinquent children who markedly depart from average in their mental reactions. Some of these children have pseudo-hallucinatory experiences and could, because of this, be labeled pre-psychotic. Sometimes other children call these children "crazy" and "goofy." We have seen such a child labeled psychotic or pre-psychotic. We have seen this child, because of the label, considered hopeless. We have seen him misunderstood, and deprived of the care he needed, because of this diagnosis. We have seen him become an increasingly serious problem. We have seen similar cases make a successful adjustment under proper care. Applying labels to children is a hazardous procedure, even when the label may be correct. In the present state of our knowledge it is a courageous psychiatrist who feels sure that he can place such labels with accuracy.

Diagnosis of this type may be the result of careful study and an intense interest in the scientific aspects of mental states. Too often diagnosis is merely a superficial flourish and gesture to impress the audience or cover up the psychiatrist's own lack of ability to really help in the situation. Sometimes a diagnosis is used for the purpose of indicating an unfavorable outcome but even this is not justified because there are more useful ways of expressing this probability.

The most useful diagnoses in medicine are those which carry with them an understanding of the specific causes which lie back of the condition, an understanding of what can be done to remove the causes, an understanding of the present symptoms and the symptoms possible in the future, an understanding of the probable outcome, an understanding that will give indications for intelligent treatment. This is definitely true of diagnoses such as syphilis, tuberculosis, or diphtheria. When one or two modifying adjectives are placed in front of such terms a rich train of relevant and helpful associations come immediately to mind. Such diagnoses carry with them a certain finality and totality of understanding.

At present there are no simple terms for mental diagnoses in behavior problems that carry with them any such totality of understanding. The terms that pretend to stand for this degree of comprehension tend to blind rather than to give understanding.

There is a large group of extremely useful terms in use at the present time that do contribute to a partial understanding of certain phases of the situation. Partially dynamic or partially descriptive diagnostic phrases such as mental age, intelligence quotient, defense reaction, revenge pattern, flight reaction, infantile anger patterns are

of real value. They facilitate an understanding of the child and assist in the formulation of appropriate plans for treatment. They are descriptive of segments of the total situation and are therefore analytic in their function. In time intensive studies and further analytic efforts may give rise to a sufficient body of knowledge about human behavior so that certain diagnostic terms may then be evolved through a process of synthesis. Such terms might give a totality of understanding that parallels the more useful diagnostic terms of medicine. But this is still in the future.

We are confronted by even further difficulties. The word "mental" has many meanings. It may be taken as being synonymous with intelligence. It may mean only processes that take place within the mind of the individual. It may mean the subjective feeling states of the individual without any consideration being given to their objective manifestations in behavior. If the word "mental" is to be used only in these narrower senses, then mental diagnosis has relatively little to contribute to probation.

If all this is true, what can we say of the relationship of mental diagnosis to probation? We are forced to go back to the original meaning of the word "diagnosis". We are forced by the very nature of the situation to use the word "mental" in its most liberal sense. If we view the mind as the final agent or superforce that guides, controls, and modifies all the other forces, within and without the individual, that affect his behavior, and if we concede the word "mental" to be an appropriate term to apply to all this complicated interaction of forces, then the term "mental diagnosis" can have an extremely useful significance to probation.

### *The Probation Officer's Approach*

The probation officer is primarily concerned with the problem of human behavior. As he approaches the child and his problems it is essential that he realize that the mental and social forces that influence human behavior cannot be separated without the serious danger of introducing distortions. As a matter of fact they are not separate forces but are merely slightly different viewpoints from which we view human behavior. One cannot understand either the behavior of the individual nor his mental processes unless one understands those psychological stimuli that are brought to bear upon him from the social situation which surrounds him. One cannot understand the social situation that surrounds the child unless one understands that each individual who forms a part of the social situation has his

own individual mental problems which not only influence his behavior but influence and are influenced by the child. Dr. William Healy of the Judge Baker Foundation, in his excellent article "The Psychology of the Situation," has pointed out these complicated relationships in a very clear manner. One cannot safely separate social and mental diagnoses.

What significance then can mental diagnosis have for probation in the present state of our knowledge? Mental diagnosis can have value in probation only inasmuch as it contributes something to an understanding of those psychological forces that operate within the particular child and those other psychological forces that surround and influence the child. In other words, it must aim at distinguishing those particular psychological forces that are interfering with the social adjustment of the child, while in addition it should discern those particular psychological forces that may be used or modified to bring about the social adjustment of the child.

A child with behavior problems is called to the attention of the court or the probation officer, because his behavior has brought him into conflict with society. Perhaps it is stealing, truancy, lying, or disobedience. These are only symptoms of a more serious underlying difficulty. Generally these symptoms are not the result of any one underlying problem. Careful study generally reveals that serious symptoms of social maladjustment are the peak of several underlying problems, the symptom being as it were the most outstanding handiwork of each of these problems. For example, the child may steal. He may have the problem of inadequate habit formation, the problem of inferior or superior intelligence, the problem of a disturbed psychological relationship to his companions. Stealing may be the child's answer to each of these problems. Frequently it is because a particular symptom is the answer to so many underlying problems that it manifests itself so markedly and persistently.

The type of mental diagnosis described in the preceding paragraph does give some understanding of the child's problems, but further refinements are necessary for a complete understanding. We must know what particular habit formation is lacking. Is it the lack of habits of orderliness? Is it a lack of training in habit formation with respect to his own property and the property of others? Is it a lack of habits of personal hygiene that block him in his social relationships to companions?

We must know the exact level of his intelligence if we are to understand his other problems. We must know the nature of his disturbed psychological relationships to his parents. Is it a hatred of

his father with a desire for revenge? Is it a desire to humiliate his father? Is it a lack of respect for his mother's authority? Does he get satisfaction from "slipping it over" his mother?

This situation can, however, be pushed further back. One can go in search of the particular stimuli which have brought about the disturbances in the psychological life of the child. Was it inconsistent, inappropriate, inadequate, or emotional discipline that caused the lack of respect for the maternal authority, or the desire to humiliate the father? Or one can go even further in this direction. What was the nature of the problem in the mother that gave rise to her inadequate discipline? What was the nature of the problem in the father that gave rise to his inappropriate and emotional discipline, which in turn brought about in the child a desire to humiliate his father? In other words, a mental diagnosis may be stated in terms of the psychology of the situation.

### *Patterns of Behavior*

So far the psychological patterns of the child have been left out of consideration. Mental diagnosis in terms of his level of intelligence and the level of his habit formation have been referred to, but there are other psychological phenomena within the child that must be recognized. A child develops patterns of behavior that may become more or less characteristic of that particular child. Some of these patterns can be more easily described as a particular type of reaction, while others can be more clearly described as emotional patterns. For instance, many children develop a tendency to resort to flight whenever confronted with any unpleasant, fear-producing or difficult situation. This reaction may grow and develop until it manifests itself as well by avoidance of situations demanding effort, dodging responsibility, running away from school or home, et cetera. In many cases this reaction becomes a characteristic and outstanding reaction pattern of the particular child.

Another pattern frequently seen is a markedly developed pattern of dependency. The child may be completely dependent upon adults for his amusements and for initiating his every activity. He may use his parents as an almost complete substitute for his conscience, his every act requiring their approval or disapproval.

The emotional patterns closely resemble the reaction patterns described above, but their connection with emotional motivation is more apparent. Patterns of jealousy, envy, hate, fear; patterns of antagonism, revenge; unwholesome patterns of love or egocen-

tricity are all too well known to need further elucidation. Such patterns are frequently the basic problem in delinquency, the delinquent behavior being merely a symptom, an overt manifestation of one or more of these underlying emotion patterns.

A helpful mental diagnosis could be expressed in terms of the child's outstanding personality traits, in terms of his reaction patterns and emotional patterns. The value of such a mental diagnosis will be enhanced if these traits and patterns of behavior are classified into liabilities and assets. It is essential to recognize the degree to which they are constructive or destructive to the child.

If mental diagnosis is to be truly helpful it must even go beyond these reaction and emotion patterns. It must go into the nature and the source of the psychological stimuli that have produced these patterns. Here again we are confronted with the psychology of the situation. In many cases some of these reaction patterns or emotion patterns cannot be fully understood as arising from certain undesirable stimuli growing out of the psychology of the situation. Many times they can only be understood as arising from a lack of those stimuli or experiences of which the child was in need for his wholesome development. It may be a lack of love, a lack of security, a lack of understanding, a lack of wholesome childish outlets. These and others constitute a group of needs without the reasonable satisfying of which many unwholesome patterns of behavior may arise within the child. A discerning mental diagnosis will need to take account of such serious lacks as these, since neither the causation of the problem nor the treatment needs of the child can be understood without this evaluation.

### *The Court as Guardian*

There is another phase of diagnostic discrimination that is of particular significance to probation. So far as function is concerned, probation cannot be entirely separated from the function of the court. From the point of view of the psychology of the total situation the court stands in a dual relationship to the child. The ideal juvenile court should be like an understanding parent in its relationship to the child. From the child's point of view the understanding parent is more or less like Janus, the two-faced god. The child sees in the intelligent and understanding parent two kinds of values. On the one hand he sees "the good parent", the protector, the loving parent, the solacing and comforting parent, the provider, the parent who complies with his wishes, the self-sacrificing parent, while on the other hand he sees "the bad parent", the disciplining, strict,

and punishing parent, the parent who deprives him of the realization of his wishes, the thwarting and interfering parent, the parent with whom he battles for ascendancy, the parent who is the symbol of authority. The court when it assumes guardianship of the child assumes legally both of these roles.

Any mental diagnosis that is adequate for the probation officer must give him sufficient understanding of the child's problem to permit him to fulfill his dual role in the most constructive way for the child. One gains an impression that many probation officers are attracted to this vocation partly at least because they have an inherent but unrecognized desire to play either the role of "the good parent" or the role of the "bad parent". As they go about their work such officers consistently live up to the role of their choice, with little or no regard to the special needs of the particular child. A truly capable officer should be equally skilled in both roles. He should be able to assume that role or that particular mixture of roles that is demanded by the psychological needs of a particular child. For the most part the role of "the good parent" will be more constructive for the child than the role of "the bad parent," but there are special children and special episodes in which a considerable admixture of "the bad parent" is necessary. Both of these roles are of extreme significance to the child; either of them may prove a destructive force if used at the wrong time or in the wrong case. It is for this reason that the discernment of the child's needs in this respect is so important.

A mental diagnosis can be expressed in terms that would give indication of the part played and to be played by the court and the probation officer. All of us as individuals have a certain indefinable feeling that we are different, a feeling that others may be a part of the psychology of the situation but we are not, a feeling that we are somehow apart from it. This is an almost universal human fallacy. The truly big person intelligently recognizes his role and plays it with all his energies and resources.

From this survey of mental diagnosis and its relationship to probation it would seem that mental diagnosis is peculiarly difficult and diffuse, it is made up of a rather voluminous enumeration of minute details rather than of a brief, clear-cut and dogmatic phrase.

In the present state of our knowledge a mental diagnosis may take many forms and be significant of many things. It may be a gesture, a flourish, an attempt to wave a magic formula. It may be a formulation in terms of problems of the individual, his assets and liabilities, his mental mechanisms, his behavior patterns, his psychological needs. It may be a formulation of the psychology of the situation, including



the psychological relationships of the court and probation officer to the child. At best, in the present state of our knowledge it cannot have finality. It cannot in many of its details be viewed as other than a tentative hypothesis;—an hypothesis that adequately explains the present problem and present situation; an hypothesis that gives indications as to the probable causes and their inter-relationships; an hypothesis that gives clear indication as to appropriate treatment. In other words, an hypothesis, the understanding of which will permit us to put ourselves in the place of the child and feel that under similar circumstances we would probably have been even as he is; an hypothesis that will permit us to work our way with the child out of the problems without and within that threaten him.

#### DISCUSSION

MRS. W. F. DUMMER (Chicago, Illinois): The point I should like to stress in Dr. Emery's talk is "the putting of yourself in the place of the child." Only by so doing, can you be helpful to the child. In Adolf Meyer's introduction to Professor Schneersohn's new book, he states that it is a happy concept of Professor Schneersohn's to consider psychoneuroses as a depression,—a kind of spiritual scurvy or a deficiency in life interests. Probation workers contacting delinquencies day by day, should not mention delinquency. Help the child to get away from it. If you make life worthwhile to the child, you have won.

SHERMAN KINGSLEY (Executive Secretary, Welfare Federation of Philadelphia): It is very interesting to see how we have gone on from the rather rudimentary situations that we first dealt with, and our undeveloped ways of treatment, to this search for a more fundamental understanding and insight into things.

JAMES H. KELLY (Juvenile Court, Milwaukee County, Milwaukee): I am interested in the questions asked by Mr. Hoyt, (1) "Should the probation officers take suggestions from the school people, the teachers, the attendance officers, or others?" (2) "Do the schools do all in their power to prevent the child from coming into the court?" I should like to answer these questions. We have absolute cooperation with the school people in Milwaukee. I like the name "Parental School," but I do not like its position. It reminds me of locking the door after the horse is stolen. A child sent to the parental school must be sent there by the court. What are we doing to prevent that child from being sent to the juvenile court? As officer in Milwaukee County for sixteen odd years, I should like to say that the Milwaukee School Board, and the Milwaukee County School Board are doing all they can to prevent the child from going into the juvenile court, and being sent to a parental school, or other institution.

We started a pre-vocational school in Milwaukee five years ago. It was a question whether the school was going to be a success or not. The Boys Workers' Conference of Milwaukee County backed the school. That school was started in an old barracks, in connection with one of the public schools, with about twenty-five wayward boys who would have been sent to reform schools in many places. Instead these boys were entered in what we call our pre-vocational school. We have four pre-vocational schools in Milwaukee.



Prior to the opening of the "barracks" for twenty-five boys, it was a common occurrence to have in the juvenile court from 30 to 50 boys and girls on charges of truancy and vagrancy. Today we haven't any truancy for this reason. If one of the public or parochial schools in Milwaukee finds a boy or girl whom it is unable to control, according to an agreement with the juvenile court officers that boy or girl is sent to one of these schools. In consequence few delinquents are brought into the juvenile court for truancy.

We even go a step further. When children are brought into the pre-vocational schools they are immediately taken to the office and the question is put to them: "What can we do for you?" They are taken into the confidence of the principal, and his advisors, and their particular weakness is discovered at the start. The result is that in the large number of boys and girls who attend the pre-vocational schools, few are ever brought into the juvenile court.

In addition to this, children who formerly shunned the idea of being sent to an industrial school now graduate with high honors from these schools and are anxious to go further with their education. Our high schools in Milwaukee are jammed to the doors. Much of this is due to the cooperation of the schools with the juvenile court. In addition, the probation department has the cooperation of the playground system, the night schools and social centers. It is these things that are reducing delinquency in Milwaukee.

DR. JAMES S. PLANT (Director, Essex County Juvenile Clinic, Newark, New Jersey): We must have mental diagnosis, but we must also get away from mental diagnosis in the sense of labels. People from the time of their earliest relationships, have always derived a certain amount of satisfaction by calling other people names. Modern psychology and psychiatry have developed many new terms, such as constitutional psychopathic inferiority, intellectual or emotional immaturity, which serve today as a slightly more scientific and high sounding way of swearing at people. There is this much satisfaction in these profound terms, their use indicates that we do not wish to go into the situation very deeply. The child guidance clinic is making a very definite effort to get away from terms of this sort.

We held a rather static view of life until about seventy-five years ago. People, fundamentally have changed little. With the development and popularization of the philosophy of evolution, and all the movements that followed it, came the realization that life is a flowing river with constant changes.

An artist once in portraying a step made his model take three steps, and then he pictured the middle one. He had drawn something that came from somewhere and went to somewhere.

The same thing is true of every child who comes into the court room; he has come from somewhere and he is going somewhere. In all your diagnostic work, in all of your probation work, you can help the child only as you know the trends, the interests, the hungers that have brought the child to you.

It is easy to swear at people and call them names. It relieves us tremendously and it looks well when entered on our records. Many of us realize that in the newer probation work, and in this new interest in personality as a flowing river, one of the things that must suffer, is our records. When we write that so and so has this or that, then our records and our annual reports take on more symmetry, and receive more acclaim. Flowing personalities cannot be fitted into statistics. Children, however, exist for other things than the introduction of symmetry into annual reports.

We must think of the child as we think of ourselves. I say to you, "What sort of a boy is Johnny Jones?" You say, "He is such and such a boy." That is easy. Then I say, "What sort of a person are you?" You say, "Well, I am,"—and then you stop. You stop for quite a time. Then you say, "I am four or five different people; sometimes I scarcely know myself. Sometimes I am somebody I am ashamed of; sometimes I am someone I haven't known for a long time."

Life is made up of various trends, changes and influences which we must recognize if, as Dr. Emery says, we are really going to carry on a successful fight for the youngster.

## The Psychiatric Clinic and the Juvenile Court\*

J. S. PLANT, M. D.

*Director, Essex County Juvenile Clinic*

*Newark, New Jersey*

There has been an unusual individualization in both clinic and court in this country. Their development has not been determined by law or custom to such an extent that it has prevented individuals who have at some time directed these agencies from placing the imprint of their ideas upon them.

We must keep in mind the basic theories involved and enough of the local trends in order not to get away from actualities. It is not our interest to depict a situation that should be rigidly followed in the future. There should always remain enough individualization to insure progress together with the necessary irritant of new ideas.

### *The Psychiatric Clinic*

The psychiatric clinic may be considered as an aid or arm of the juvenile court. It should fit in with already existing social agencies. It should study only a fraction of the children coming before the court. There are at least three reasons for this and they are worth enumerating because of the feeling in some cities that the court should have every child which comes before it, examined in the clinic. These reasons are:—(1) Any routine measure is bad. No human being has reached that stage of perfection that allows him an adequate freshness of spirit to attack problems which lack some element of special appeal. (2) A large number of children's cases should not be given the "importance" of a clinic examination. One of the outstanding defects of the modern juvenile court is that it reaches into the petty affairs of the community and gives emphasis to certain minor conduct disorders that are better forgotten. Many children are carried through a rather extensive investigation and court procedure only to "fix" on them definitely a petty and long for-

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\* Paper presented at the Joint Luncheon with the American Association of Psychiatric Social Workers, National Conference of Social Work.

gotten episode. (3) Judges practice a more or less efficient kind of psychiatry and frequently make quite as adequate an analysis of the situation as the clinic. Psychiatry is not a magic wand to be waved by a trained handful. It is as widely practiced as human thought, with the result that there is as much poor psychiatry as careless thinking.

### *The Lay Referred Method*

The cases which should go to the clinic should be decided upon by the judge. This is known as the "lay referred" method. Two strong objections to it have been raised: (1) That a layman is not competent to decide what cases can best be handled by a psychiatric clinic. (2) That this tends to delay the study of incipient difficulties until they are in a chronic stage. The judges reply to this that they believe themselves competent to know the cases in which help is needed. Our criminal statistics lead us to feel that they are not always competent to know the cases in which the youngster needs help. Nevertheless we personally believe in the "lay referred" method because we do not think the psychiatric worker is any better able to pick the "needy" cases than the judge. If psychiatric workers had the same responsibilities on their shoulders that rest on the court, much of their criticism would be withheld.

### *What the Court Should Receive*

The court should receive six distinct types of information, from the psychiatric clinic:— (1) *An adequate analysis of the child's physical condition.* The court should have an account not only of bad teeth, bad tonsils, bad heart, etc. but of the vaguer, yet far more important facts regarding the body's general ruggedness. As medicine turns from curing to preventing diseases, it more and more emphasizes the basic resistances of the body, such as the ability to "stand up under strain". (2) *An adequate analysis of the intellectual possibilities of the child.* Clinics are not in accord as to how valuable a great deal of their work is. There is an element of artificiality about a clinic that does not make it safe to go beyond a general statement in regard to the child's probable limitations in school and the nature of his vocational adjustment. Diagnoses, as labels, should be rightly excluded. Another decade may see a change in this part of the work. It is inefficient to have the clinic offer more detailed vocational advice until such a time as the courts

or probation officers construct more complete vocational and job-finding bureaus. (3) *An adequate analysis of the personality and the personality difficulties of the child.* The outstanding development of the last ten years has been the realization of how relatively unimportant is the mere intellectual rating. Of what advantage is genius if there is not the emotional integration, call it "will power" if you choose,—to drive it? There are always the glorious plodders who with negligible ability drive with a real purpose and achieve success. The clinics are not in accord as to the details of their personality studies. We can only say that the clinic should provide the court, in so far as it is possible through expert study of the child and his environment, with a picture of the sort of a child the court has to deal with. With this should go an outline of the outstanding ambitions and weaknesses of the child. In other words, the clinic should report what the child "normally" or usually is and what have been those environmental conditions which have thwarted the natural outlets and made him seek abnormal ways. (4) *An account of the home and neighborhood,—the parental dreams or disappointments, the neighborhood acclamation or scorn that has buffeted the child about.* (5) *An analysis of the resulting attitudes of mental habits which the child has developed towards the world about him and himself.* (6) *A statement based on the facts as to why the youngster got into trouble,—a diagnosis.* A diagnosis should be,—an account of the child's life up to the present moment. This is really the hub of the whole matter. The juvenile court, even with its more recent modifications, is still largely a legal affair,—and consequently has a legal point of view. The lawyer is primarily interested in the existence or non-existence of the fact,—*"did such and such a thing actually occur."* The physician's and the psychiatrist's point of view is entirely different. They look upon facts only as symptoms and want to know what they mean. In this study they have but one goal,—what does delinquency mean. We might say that the court is primarily interested in what occurred; the psychiatrist, in why it occurred.

### *Therapy and the Clinic*

Along with these six groupings of information the clinic should give certain recommendations in regard to therapy. In every such situation there are roughly involved the individual and his future, and society and its future. These matters should be "individual"—as if society had no interest in the future beyond the therapeutic

treatment of this particular individual. For example, in the matter of punishment, the psychiatrist at times considers that therapy will involve punishment for the child, but this is always on the basis of it being the best thing for the development of the child. The court, on the other hand, is sometimes concerned with punishment as a deterrence to others. This latter consideration should never enter the recommendations of the clinic. There should remain clearly this antagonism between the points of emphasis of the two agencies, the court always making the final judgment, taking the recommendations of the clinic which are essentially individual and fitting them into the needs of society. There is in this way an antagonism in points of view which means that often the clinic's recommendations are not, and in no wise should be, followed by the court.

Whatever plan or decision is made by the court should be carried out by its own officers or probation officers. This arrangement is preferred to having the workers of the clinic handle the matter. Of the advantages of this plan we shall give two: (1) This necessitates the slow addition within each probation office of a number of psychiatric social workers who will handle certain types of cases. As we are in the midst of this experiment we cannot for at least ten years make any worthwhile statements as to how many of these workers there should be. (2) This challenges an intriguing cooperative educational program between the probation officer and the psychiatric clinic. Lectures, case studies, discussions, leaven both the narrow, expert, vision of the psychiatric worker and the brusque practicability of the officer of the court or probation officer.

#### *Paralleling the Task of Two Agencies*

The psychiatric clinic and the juvenile court may be considered as two parallel agencies both attacking the same problems. In this second view neither agency is considered to any degree subservient to the other.

Both agencies occupy themselves with parental and family failures. There has recently occurred a very considerable break in traditional family patterns. In answer to this, the court frequently acts in *loco parentis*. The clinic first did that, then it became a child guidance clinic, and now it is becoming more and more a "parent-guidance clinic." Thus both agencies are much interested in the modern family and parent. The psychiatric clinic, however, is interested more in the guidance of parents while the court and probation office on the other hand, have interested themselves in the development of children's clubs and other healthy social outlets.

### *Relationship Between School and Delinquency*

There is a growing concern as to the relationship between the school and delinquency, a feeling that so long as the school "educates to books rather than to life," it is failing in its great mission.

The court and the clinic are occupying themselves with these educational problems. There is a growing public consciousness that delinquency may in large measure be a problem in education, or at least that with a better understanding of it much or all of it could be prevented. We are not here to consider academic education, but an education that teaches us to live, and find happiness. Indeed it has been largely due to the fact that the schools have stressed almost solely the academic education that the court and psychiatric clinic have come to feel that they must sponsor this larger field. Here again there is an interesting divergence in points of view and interest. The court through its officers—tells children just as parents and teachers do, where and how they can find happiness. This parental approach is one of pointing out to the child where his difficulties lie and showing him through vocational adjustment, boys' clubs, etc. how he may find happiness. The clinic, on the other hand, is inclined to feel that the difficulty is inherent in the child's faulty personality adjustment, and to place a therapeutic emphasis on this point. The court and clinic are both dissatisfied with the school system's lack and both are trying to construct some sort of educational program. The court is trying as directly as possible to point out to the child the right road while the clinic is more directly interested in bringing about changes in the child's personality which will enable him to find his own happiness.

### *The Philosophy of Determinism*

The court and the clinic subscribe to a philosophy of determinism by thinking that whatever a youngster has done or may do is unavoidable. They are inclined to feel that if enough were known about the earlier life of the youngster, delinquency would be shown as a necessary sequel to other events. This feeling that any event is the predictable and expected outcome of previous events, were they well enough known, is of the deepest significance. The court has adopted quite definitely a theory of social or economic determinism. Thus the court rather tends to say that better living conditions would do away with our troubles. The court and probation office have become accordingly interested in legislation;—this is sociological determinism in the sense that one feels that delinquency is the natural



outcome of unhealthy social conditions. The clinic is also deterministic in its philosophy, but it invokes a "psychological" determinism. Its primary interest is personality adjustments. It is out of certain mental processes that difficulties arise. Both agencies have done away with the idea of "chance". Things don't "just happen", they have definite causes. The court tends to look upon social and economic conditions as the causative factors whereas the clinic looks for psychological processes that occur in the youngster's mind.

### *The Church and the Agencies*

The two agencies run parallel in their use of the power of the church. There are various reasons for this,—reasons which it would be fatuous for us even to enumerate because they are so entwined in our whole cultural development for decades. We register the youngster's religious affiliations and ask him whether he attends church and Sunday School notwithstanding the fact that the church which for centuries nurtured the philosophy of human conduct has received little encouragement from either the court or the clinic. It is of peculiar importance in an age of striving materialism to find that the "spiritual values of life are apparently of little concern".

### *Juvenile Court an Aid to Clinic*

The juvenile court may be considered as only an aid to or arm of the psychiatric clinic. We need go back only seventy-five years to find psychology classed as a branch of philosophy. In the time of Wundt there began an interest in psychology as a science. Psychology is now embarked on a vast scientific venture, one it is hoped in the course of generations will bring to the problems of human thought and conduct the method of the so-called "exact" sciences.

The family, the school, the social agency, the probation officer are the laboratories of the psychiatric clinic. The delinquent and the criminal come and go. They are important to us in their contribution to the problem of how people actually think and ways in which they find happiness or sorrow. Crime is the biggest business in our country. Our budget, public and private, is carrying a larger item for human wastage each year. Some of us are too busy with golf or bridge to help in the solution of the problem. The school smugly says "send the children to us a little while longer, and we can change things." The social agency is too cluttered with each day's debris to make headway. The lawyer buries his power

and ability in more and stricter laws. We do not say that the psychiatric clinic has the solution for all of this, for after all as a form of treatment it is only eighteen years old and in many ways has gone little beyond the genius of its founder, Dr. Healy. It has scattered its interests greatly. Recently it has focused its vision on the child as though he alone presented a source of study. Nevertheless the vital, driving, essential factor in the problem we are facing lies in the nature of the persons who are in trouble and the reasons for their behavior. The real contribution of the psychiatric clinic is placed on its emphasis of "*Who* did it?" rather than upon "*What* did he do?" In every act, criminal or otherwise, the doer is of prime importance and the only real solution to the problem of maladjustment is a profound knowledge of the maladjusted.

We do not need a commission to study crime commissions,—but a commission to study criminals. In its study plans, the psychiatric clinic asks for patience. Ours is a long road, years, a life-time, may mean little progress. I am, however, personally convinced that in this study lies the path that all our efforts in social engineering must take. The juvenile court and the probation office furnish us two of our very important laboratories. Much as the psychiatric clinic is indebted to the juvenile court we venture the guess that the future will see us more and more asking for material and getting help in other quarters. We are going through an intermediary stage that must sooner or later terminate. This is not so much the question of "getting the child earlier" as it is of knowing him through the others who have his acquaintance,—the doctor, the visiting nurse, the policeman on the beat, the teacher and the parent.

In discussing the juvenile court and psychiatric clinic we are considering two social agencies with different backgrounds, points of view and interests. Despite these differences they work well together because they mutually impinge on the same problem and because each is a more or less indispensable aid to the other.

# A Discussion of Dr. J. S. Plant's Paper, "The Psychiatric Clinic and the Juvenile Court"

BY PAULA CLARE

*Assistant Probation Officer, Juvenile Court  
San Diego, California*

Dr. Plant has mentioned the fact that workers in both clinic and court may have considerable freedom in working out their ideas. Some of the older, better established courts may be rigid in their methods, but I believe that in many and perhaps most juvenile courts there is little or no cut and dried technique or formalized ideas. This is more true of juvenile court work than of some other branches of social work such as relief giving and child placing. The fact that the juvenile court is still in a rudimentary, experimental stage makes for flexibility and furnishes a field for the psychiatric case worker.

The conception of the juvenile court as a case working agency is gaining ground. Whether this is a proper development is a moot question. It is generally conceded that family case work in the juvenile court should not involve the placing of financial relief in homes, even though the placing of such relief might clear up the delinquency situation. The training and technique of a relief worker is somewhat different from that of a worker with delinquents. It would seem that where financial relief is indicated this aspect of the case should be dealt with by a relief agency.

This does not mean that the probation officer will not do family case work in the sense of trying to adjust the family to the community and the various members of the family, to each other. The child's delinquency often arises out of these factors. I cannot see how children's problems can be handled except by dealing directly with them. If this is true, the role of the psychiatric social worker is a clear one. In her training and previous experience she has learned how to evaluate many of the social and psychological causes of

maladjustment. This gives her a sympathetic and scientific understanding of the delinquent boy and girl which helps in treating individual cases and may also bring a different emphasis to the juvenile court. Where there is a psychiatric clinic in connection with the court, the psychiatric social worker who is also a probation officer, may help greatly in synthesizing the points of view of the clinic and the court, aiding each to understand the other, and in carrying out treatment plans recommended by the clinic. It would seem that at least one such probation officer is absolutely essential to any court having a psychiatric clinic.

There are relatively few courts with psychiatric clinics. Some have a psychiatrist or perhaps a clinical psychologist to whom the probation officer may turn for help. Many, perhaps a majority, have none of these aids. Too often the only psychiatrist available is an alienist who may have little knowledge of or interest in the problem of the child. Often the only mental test available is a group test given in school, the results of which are supplied without interpretation. Even a thorough physical examination is difficult or impossible to obtain. As Dr. Plant has pointed out, we need to know more than whether or not gross physical pathology exists.

The psychiatric social worker in court work has a difficult row to hoe, for she is often expected, perhaps because of her high sounding title, to work miracles. Some probation committees and judges when taking the radical step of appointing a psychiatric social worker as an official of the court, do so with the idea that she will be able to adjust almost all the children with whom the probation officers fail. Perhaps we psychiatric social workers are partly responsible for this popular idea in that we may have been over zealous in trying to sell ourselves and the ideas which we represent to the profession of social work and the public. After all, the field of psychiatric social work is no more expert and no more noble than other branches of social work. Most psychiatric social workers probably do not have an exalted idea of their value, but we have sat mutely by while others have appraised our possibilities too highly. Such an impression may be highly detrimental to the relations between the psychiatric social worker and the other probation officers on the staff, or between the psychiatric social worker and the other agency workers. It would be better for such appointments to probation office staffs to be made quietly and with a full understanding of the fact that no person, be she ever so "psychiatric", is a miracle worker. After all, the distinction between a psychiatric social worker and any qualified, well trained case worker is little, if any. This is

especially true now that schools of social work are emphasizing the mental hygiene point of view in the training of their students. As other members of the probation office staff take over psychiatric ideas and approach, the role of the psychiatric social worker becomes less differentiated. This is a most "healthful" tendency. The need is for good case workers in our juvenile courts rather than for those who may happen to have the psychiatric label.

But granted that the psychiatric social worker is appointed as a probation officer and is expected to make only a human contribution, what are the obstacles in her way? I shall mention two which I consider paramount.

First, she immediately finds conflict within herself over her dual role. As Dr. Plant has pointed out, the clinic recommendation should be what is for the best interests of the individual, but the court must take into consideration both the individual and society. It is very difficult to know what is for the best interest of either of these parties. Even if we think we know, it is sometimes impossible to reconcile the two. If the probation officer neglects the interests of society she may meet with serious criticism from her judge or from public groups,—and rightly so. If, on the other hand, she follows the course which she thinks best for society, it may, in certain cases, mean the sacrifice of an individual child. It requires a deep insight into the psychology of the mob as well as a true understanding of the child to be able to handle certain spectacular cases without doing violence to either the child or society.

Second, the case worker connected with the court has constantly to overcome false ideas as to the function and purpose of the court. Many parents and children feel that the probation officer is making an investigation in order to fix blame for misdeeds and administer punishment. They feel that it is a disgrace to have a probation officer calling at their home and will do all they can to cover up any facts which they consider might be used against the child. Children often say, "Why should I have to go to the state school? Johnnie stole more automobiles than I did and was allowed to stay at home." It requires ingenuity and intelligence on the part of the worker to convince her clients and interested members of the community that the juvenile court is interested primarily in helping the child to overcome his difficulty and that the methods used must vary with each individual situation, since it is the condition within a child's own home which largely determines the disposition of his case and not the particular crime which he may have committed. The difference in treatment accorded two boys brought in for committing an

offense together may well give rise to a feeling of injustice on the part of one, and of having "got by with something" on the part of the other.

These are difficulties which the case worker in the juvenile court has to meet. Of course, there are usually many others, such as too limited funds for child placing, too few resources in the community for supervised recreation, lack of understanding on the part of the judge, etc. The job is not an easy one. In certain instances it seems almost hopeless. However, with the development of the visiting teacher movement in the schools and with the gradual spread of psychiatric principles to all social agencies, the task of the court case worker becomes more and more possible of achievement. It is when a psychiatric social worker is an official of the court, that the differences in point of view and in function between the clinic and the court tend to disappear.

# Modifying Human Conduct

S. C. KOHS, Ph.D.

*Executive Director, Federation of Jewish Charities,  
Brooklyn, New York*

Perhaps the most formidable, the most trying, the most perplexing task of our thinking life is the discrimination and the discernment between what is real and what is illusory. It may be safe to venture the estimate that perhaps barely five to ten percent of the supposedly accumulated wisdom of our predecessors is now accepted as tested and verified truth. It may not be far from the mark to postulate that the next generation, after they are through analyzing, retesting and verifying what we now regard as final and fundamental truths, will accept no larger residue of verities than is now the case with the intellectual heritage from past generations.

This situation is most likely to be true in those fields, scientific or non-scientific, which are of recent development and whose practices and finalities have not yet had an opportunity of being thoroughly tested in the crucible of experience.

The principles and practices underlying our current procedure in attempting to modify human conduct are of such comparatively recent development that we are under compelling obligation to retire occasionally from our clinics and from our laboratories to evaluate our processes, our goals, and the fundamentals of our philosophy which underlie and which color our technique and our results.

One of the most fascinating chapters in textbooks of psychology is that of "Illusions". Yet, the lessons which this interesting mass of information teach are least effectively carried over into the practice of our daily lives. If this subject teaches nothing else, its moral of man's intellectual incapacity, of man's helplessness to see truth and reality as they are, is not alone forcefully obvious, but is as unalterable and final as the universe itself.

The past twenty years has seen a most phenomenal development in the practical applications of psychology to our daily life. The field of medicine has also made new departures into the realm of mental deviation and that of human behavior problems, and through its new branch, psychiatry, is wielding a tremendous influence in the



readjustment of human behavior to our present social, educational, and industrial structures.

As is the danger in all new applied sciences, the satisfaction and the good results which new practices sometimes bring, may develop such an exalted condition of euphoria that this heightened emotional state may lead to an intensification of the normal illusions which the human mind ordinarily suffers from: illusions of grandeur, illusions of accomplishment, illusions of success.

If this age will ever acquire a name of its own, perhaps some day it may be called "The Meddling Age". A curious manipulative humanity now populates this earth. We monkey with everything. If we take the field of music, we note weird experimentation with dissonances and new varieties of tone combinations in order to produce novel effects and convey new impressions. There are many who do not hesitate to regard those forms of musical expression as distinctly higher and superior forms to the classics with which we are so familiar.

In the field of the plastic and the graphic arts,—cubism, impressionism, and futurism have all wrought havoc with tradition and with the accepted art canons. Whether from this welter of painted canvasses will arise a higher and nobler art than that of Michelangelo and Leonardo da Vinci is still a matter of entertaining speculation.

In the field of literature, we have had no end of freedom with accepted standards. Both in the fields of poetry and prose,—free verse, the use of word sequences largely for sound effects, and the Joycian style of linguistic expression are examples of the rebelliousness toward traditional standards which is characteristic of the present act.

In the business and economic spheres, although these yield less to variation than those just mentioned, nevertheless, just as colorful an array of new departures as in the others is manifest.

Finally, in the realm of life itself, the present age is monkeying with every accepted fundamental which at one time was regarded as final and as fixed, but which now is questioned, if not entirely overturned. This spirit has definitely reflected itself in the fields of social work and child guidance. Two dangers may here be specifically designated: one, the danger of the standardization of human beings; and second, the danger of forcing the acceptance of the doctrine that to control, curb, inhibit, or repress tendencies to behavior is likely to result in damage to oneself and to society.

This monkeying with everything has certain definite advantages.

On the other hand, there are certain very distinct disadvantages which should be emphasized more than they are, and against which we should guard ourselves more than we do.

When our psychologists some thirty or forty years ago brought psychology out of the laboratory and began adapting it to the practical uses of daily living, they began a new epoch in the history of man's control over his own nature. Since that time, monumental contributions have been made, not alone to a better understanding of *homo sapiens*, but also to the development of processes and of machinery to make possible a better and happier utilization of human mental energy. Our public schools, the great realm of business, and the varied field of social service have available volumes upon volumes of practicable suggestions for the intelligent and effective harnessing of the human mind in an effort to reach the most satisfactory self-fulfillment. The teacher in the classroom has available carefully tested material to guide her toward a better teaching process. The personnel manager in the department store has available a substantial mass of information, scientifically tested, in order to make it possible for him to select his store personnel more intelligently than in the past. The social service worker can find endless source material to make possible a keener understanding of human mental make-up and a more effective guidance and modification of human behavior toward better social adjustments.

Were all psychologists and psychiatrists agreed among themselves regarding fundamentals and regarding their general conclusions, our world would indeed be a most happy one. Unfortunately, as yet, there is no such unanimity as might lead to peace and comfort. It is extremely difficult for a newly arrived practitioner, either in the field of education, in the field of business, or in the field of social work to make selection of the sound, substantial contributions as against those contributions which are either unsound or have not as yet been stripped of their false accoutrements with the truth revealed as it really is.

Four great streams of influence have each contributed to help, and also to befuddle the situation.

### *Objectivists vs. Subjectivists*

One division in the ranks of psychologists involves the question of mechanism versus vitalism, or perhaps in more palatable terms, objectivism versus subjectivism. On the one hand, the former maintains that only those manifestations of human mental functioning

which can be tasted or smelled, weighed or measured, or have some form of objective reality, only those categories are really the subject matter of scientific psychology. The latter, on the other hand, contends that there are certain intangible and as yet unmeasurable realities which cannot be left out of account in studying and in modifying human behavior. The objectivist is inclined to minimize the significance and the importance of such psychological categories as conscience, the moral self, will and similar mental manifestations which have a very direct and vital bearing upon human conduct. Whether an educator, a personnel manager, or a social worker is an objectivist, or a subjectivist, whether he is a mechanist or a vitalist, seems frequently to be purely a matter of accident. Naturally, these directors or redirectors of human conduct will have their results affected in most pronounced fashion by their background, their outlook, and their method of attack upon plastic human personality.

### *Behavioristic Psychology*

Perhaps no other reinterpretation of human mental life has been carried over so generally and so completely into the applied fields as Watson's "Behaviorism." The emphasis upon a detached point of view, upon the utilization of sound scientific criteria in the observation and in the description of human conduct has been most valuable. On the other hand, the outspoken or tacit negation of consciousness, of will, judgment, the capacity for introspection, and its value for the understanding of others and of self, are definitely disadvantages in the effort to develop a well-rounded point of view and technique in modifying human conduct. The growth and development of individual moral values, their significance as determinants of human conduct apparently have no place in behavioristic psychology. Perhaps there still is something to the contention that man is considerably different from animals, that the driving forces and the motives leading to various types of conduct may be extremely different in pattern with man than in animals, and perhaps the carry-over of our thinking and our conclusions from animal psychology into the field of human behavior may bring with it a certain bias and certain illusions which are likely to be detrimental in our effort to adjust human beings to the complicated conditions of modern life.

### *Freudian Psychology*

Ridiculed and reviled, scorned and mocked, we now find the

major contributions of Sigmund Freud accepted as sound and substantial. Freudian psychology has had the courage to reveal the significance and the vital importance of sex, in its widest connotation, in the life of the average individual. As time goes on, many of the fancy and elaborate decorations accompanying the Freudian contributions to human psychology will be left in the discard and those mechanisms which have proven themselves by test to be true will find their proper place in the ultimate encyclopedia of human nature.

On the other hand, many Freudian followers accept too readily, or are inclined to exaggerate, the dire results likely to follow the thwarting of the love-life, the operations of the censor, and the effect of repressions upon the normal self-expression of the individual. If the removal of the censor, the reduction of the censor's effectiveness, or his entire annihilation were regarded as "murder in the first degree", many a psychologist and psychiatrist might now be enjoying their release from earthly burdens through the avenue of the electric current and the trebly knotted noose. How far the censor within our souls may be trained, reconditioned, or adapted to view our life more sanely than he does, is still a matter for wild speculation, with no scientific evidence available either how to attack the problem or what objectives should be achieved.

### *Adlerian Psychology*

Slower to acquire recognition than Freud, Adler finally earned the same place in the sun that Freud was originally granted. Beginning in the field of medical physiology, Adler found some fundamental truths which apparently could be carried over into the realm of human mental functioning. No human being is born perfect, either physiologically or psychically. From the very moment we have a chance to examine ourselves, mentally or physically, we are immediately crushed by the realization that we are burdened with a host of inferiorities. Then begin processes of compensation which produce various forms of adaptation and maladaptation. Presumably, females have in some directions more than their quota of inferiorities. This gives rise to the "manly protest" which also seems to have some interesting and curious manifestations. If the followers of Adler exercised only half his caution and his *zuruckgehaltenheit* in discovering these mechanisms and in suggesting new lines of conduct to rectify these conditions, the situation might not be half so bad. Unfortunately, many Adlerians out-Adler Adler.

Jung's examination of the history and development of the ego

seemed to reveal tendencies to introversion and extraversion. We are now told by some rather dogmatic practitioners that introversion is a dangerous and rather unwholesome and unsocial, if not antisocial condition. An introvert child is indeed a bundle of danger-in-potential. An extravert on the other hand, is a much more desirable sort of individual, and if only all of us could become maximum extraverts the millenium would surely only be around the corner.

These four or five major streams of influence which have come into the field of applied psychology during the past decade, have left an indelible impress upon the philosophy, the technique and the objectives of social work and child guidance. The apotheosis of some of these tentative theories are clearly indicated in the writings of a number of tabloid popularizers one of whose books "Why We Misbehave" could more properly have been called "Why We Should Misbehave".

The National Committee for Mental Hygiene, which deserves unmeasured credit for the progress that mental hygiene has made in this country, will shortly, if not now, be confronted with the great danger that many of the practitioners now in the field, and those likely to enter it, may bring discredit to the movement, first, because of a too ready acceptance of nicely sounding mechanisms, the truth of whose operations have not yet had the test of scientific validity; and second, because of a too ready following of one school of thought in mental hygiene, and the application of too fixed a methodology for the correction of supposedly dangerous and inimical behavior tendencies.

We have been so busily engaged carrying over into practice these new-born interpretations of human behavior that we have failed to develop a constantly operating check upon our premises and upon our results. Our great handicap has been that a sound, well-balanced critique has been missing. In fact, those who have been inclined to raise a questioning voice have not had as ample an opportunity, as might have been made possible, to bring their thoughts to bear upon the situation.

If one may enumerate the outstanding dangers which now appear to threaten the healthy development of guidance and adjustment work, they are these:

*Cocksureness.* One of the blighting influences which may play considerable havoc in developing confidence in our work and in achieving substantial results, is an over-confidence in the perfection of our analytic processes, of our diagnostic procedures, and the conviction that our achievement in accomplishing modifications of

human behavior are achievements which are lasting, desirable, and beneficial.

*Blind Faith in Tests.* Another pitfall which we must studiously avoid is our blind faith in tests. The reading of a clinical thermometer is not an end in itself, but is merely a means to aid in the interpretation of a considerable mass of other evidence, some of it secured by testing and a great deal more secured by question and by answer, and by understanding. This danger is particularly manifest among those who have not developed the "checks and balances", which seem to come only with experience and insight.

*Human Standardization.* Another danger is that of over-standardization. It is inevitable that our personal notions of the ideal man or the ideal woman will more or less color our effort in accomplishing changes in the behavior of those who are supposedly out of adjustment, either with their families or with some social institution, or with society at large. We must develop a tolerance for differences and for deviation. And we must develop some philosophy or some understanding regarding the kinds of differences, the kinds of deviation, the kinds of maladjustments and maladaptations which should be encouraged and developed, rather than cured and eliminated.

*Loss of Faith in Ourselves.* There is great danger in developing a tendency to discard faith in ourselves. On the basis of unquestionable evidence, we must accept the notion that we are possessed of consciousness, that we can will, that we can reason, that we have a moral nature, that all of us have developed some scale of moral values, and that through proper education, that through the development of understanding, not alone can we accomplish amazing changes within ourselves, but also similarly accomplish amazing changes in others. Discussion to the contrary is purely academic. To assume that we are merely physiologic masses driven by impulse and by reflexes, conditioned, reconditioned, or unconditioned, and that this sums up the total of our present accomplishments and our ultimate possibilities is not alone unfair to ourselves, but untrue to the facts. Only by faith in ourselves and in our potentialities, can we attain the main objectives in the field of modifying human behavior and in guiding others to higher levels of conduct.

*Opposition to Self-Control.* There is danger in the increasing opposition to inhibitions, repressions, self-control, and the latent possibilities of conscience in the control of human conduct. To inhibit a little bit is not dangerous, and to repress a little bit and on occasions, will also not make mental breakdown inevitable.



*Wrong Underlying Philosophy.* The danger in the development of a wrong philosophy underlying our work cannot be over-estimated. The intense materialism which characterizes almost every avenue of life today, is likely to color and determine the goals and the procedures in this vital field. Although it may be true that whatever exists can be measured, it is also true that everything that now exists is not yet measurable. Not everything can be weighed, tasted, smelled, heard or subjected to other sensory perception. It is neither scientific nor wise to assume that whatever is elusive (*not i-l-l-u-s-i-v-e*) is not real. There are still great uncharted areas to survey and to investigate before we can write "finis" to the Encyclopedia Britannica of the human mind. What is now elusive may some day be described and evaluated in very definite material terms. In the meantime, however, we cannot deny the existence and the operation of certain mental factors which as yet have not been brought to the light of day, and which have not undergone the careful scrutiny and the keen analysis which laboratory technique can provide.

Those who are attempting to guide human behavior are adult individuals who already have developed a rather stable philosophy of life, a somewhat fixed point of view regarding human and social values. Those who modify human conduct have acquired a sort of wax model gallery of ideal individuals. When a child or an adult who presumably is maladjusted appears for treatment, these wax model ideals, (which of course are intangible and perhaps have no reality in the minds of the adjustors), inevitably wield a great influence in shaping the treatment. Under these circumstances, the more successful the treatment, the more nearly does the newly integrated personality resemble one of these wax model figures. It is the rare psychologist and the rare psychiatrist whose background, whose training, whose philosophy of life, and whose point of view, have been so rich, so tolerant, and so understanding as to make possible a large variety of these models. We do not know what the actual situation is, but if one were permitted a hasty judgment, the chances are that this Eden Musee with most workers now in the field, is limited to a comparatively few characters. The smaller the number the greater the danger of casting maladjusted personalities into the same form. If I may be permitted a slight *divertissement*, may I recount the following report made before a large gathering of social workers only a matter of two years ago:

Jacob, a boy of fifteen, was brought to a child guidance clinic because he was seriously in conflict with the members of his family and with the social and school situation. His intelligence quotient



on the Stanford-Binet scale was 127. The family was an average good one in rather comfortable financial circumstances. The boy's conflicts reflected themselves specifically in an effort to bring up his younger brother of nine in somewhat better fashion than the parents had achieved with him. He objected to the parents' violation of the prohibition laws and to current methods of raising children. He was convinced that religious schools were failing in their efforts; he objected to the outspoken immorality of our times; railed against the public schools for their lack of intelligence in educating children; urged stricter censorship of the movies because of the deleterious influences which he claimed were manifest; criticized his parents for not having given him proper sex education, and in general found considerable fault with almost everything about him. The situation presumably was getting beyond the control of the parents, so they brought him to this clinic for adjustment. Efforts at first were made to adjust the boy in his own home environment, but after failure to accomplish this, he was removed to a foster home, and after approximately a year or two, satisfactory adjustment was accomplished and the boy was returned to his family.

I have wondered many times since, whether this effort to adjust this boy to his home, to his school and to his social environment was not at too great a sacrifice. Would it have been possible to have nurtured, cultivated, and trained this rebelliousness, so that when this boy ultimately reached adulthood, his sensitiveness to conditions, his courage in being outspoken about them, his additional acquisition of understanding how to solve these problems, might not have been a "Babbitt" to the thousands which now far exceed the desirable quota.

Not enough questions have been raised regarding the manner of our progress along the road toward excellence and the nature of our destination.

Are not these questions proper? Is the adjustor himself adjusted? If not, does the adjustor need adjusting? If so, who shall adjust the adjustor? All of us have grown and developed under conditions of repression, under conditions which have thwarted our fundamental tendencies to behavior, and practically all of us have developed warped personalities. Is it not legitimate to raise the question,—can a person who has lived, and is still living in a world of distortions create conditions of perfect linearity for another? Are we not taking too much for granted by way of finalities: regarding diagnostic procedures, regarding processes for affecting integration, regarding our capacity not alone to accomplish a change, but to judge whether this change is desirable and socially valuable?

If one may summarize our needs at the present time, they might be enumerated as follows:

1. There is great need for developing a wider understanding of the practical fundamentals of human living. O'Neill's play "The Strange Interlude" is a telling example of some of our current failures to do a good job at "fixing" things. In this instance, the physician meddles, and to his and others' sorrow, muddles. In arriving at this understanding of the fundamentals of human living, one item is particularly important, whether we like it or not, our present social order demands training and discipline as essentials in getting on in this world. Life is a continual battle to harness drives and impulses. Life is a process of continual adjustment, and adjustments cannot be attained through "no restraint", for the reason that, that kind of an adjustment merely throws the individual into another, perhaps more aggravated type of maladjustment. Frequently sacrifice, subjection, self-denial is required and can be accomplished without serious disintegration of the personality. It is the old story of "self versus society", and perhaps the time will never come when the individual can effect such splendid integration and adjustment as to fit perfectly into a society which generally is lagging in the development of an understanding on all matters equal to that of its leaders in thought.
2. We must minimize the influence of the notion that we, like the rest of the animal and mineral kingdom, are helpless automata. Any picture of human personality which makes human individuality and the human mind comparable to thought and action on the level of cats, dogs, monkeys, and rats, omits some very vital differences which play a most important part in modifying human conduct.
3. Another vital need at the present time is the development of a realization that tests,—mental, educational, psychiatric,—are merely *guides*. These tests and their results require interpretation. Interpretation in turn requires understanding. Although the dangers of swearing by test-results have frequently been urged, apparently frequent sounding of the alarm will not injure anyone.
4. In the last analysis, we must come to an understanding that the better and higher individual, a better and more permanently integrated personality, can only be developed after we have developed a better and a higher social order.

So long as ignorance is enthroned, so long as intolerance is as common as it is, so long as materialism and its correlates are the test of all things that are good and true, so long as injustices such as now exist in the industrial economic field, in the social realm, in the educational sphere, continue, just so long must we contend with problems and difficulties in modifying human conduct which are almost insuperable.

Psychology and psychiatry, all that the mental hygiene movement implies in program and possibilities, have much to contribute to bring greater happiness to individuals and greater harmony in the social relationships between individuals. On the other hand, psychology and psychiatry will be terrifically handicapped unless together with their technique, together with their diagnostic procedures, together with their formulation of method to adjust and to integrate maladjusted individuals, there is also developed an understanding philosophy of life and a tolerance of certain kinds of deviation which should be encouraged rather than thwarted.

But after all is said and done, only as we break down those artificial social conditions which destroy human personality and distort the best that is in us, only as we bring the Kingdom of God on earth, only to that extent will we ever be able to bring the godlike man to a practical realization.

# The Development of Probation in Federal Courts

CHARLES L. CHUTE

*General Secretary, National Probation Association,  
New York City*

Probation is fifty-one years old, the first law establishing it having been passed in Massachusetts in 1878. The juvenile court is thirty years old this year.

Federal probation is much more youthful, being but four years of age, and at such an age, we should not expect too much from it. There are many, however, who have been disappointed with the slow manner in which the child has developed.

The federal probation law gives complete jurisdiction to the United States district courts to use the probation system. It was passed by Congress in 1925 and was signed by President Coolidge after many years of strenuous effort.

The National Probation Association introduced its first federal probation bill in 1909. The matter was revived in 1915 and a new bill was introduced. Many hearings were held and the bill was kept before Congress for ten years before it was enacted. It was revised a number of times, but was not weakened by amendment and as finally passed is in many respects a model probation law. It was based on the best provisions of the general probation laws of the states of New York and Massachusetts and gives full power to the federal courts to use probation in all cases, except offenses punishable by death and life imprisonment, and to prescribe conditions with model provisions for its enforcement.

Two features in the bill were not ideal: It was necessary at the start to limit the number of paid probation officers to one for each judge. The number of voluntary or unpaid officers was left unlimited. The original bill gave the judges the power to appoint any number of paid officers, the salary to be fixed by the Department of Justice. While the bill was before the Senate, however, Senator Shortridge of California, advised us that it would be necessary to limit this provision. It was therefore decided to amend the bill and provide that but one paid probation officer be appointed for each judge. This is the way the law stands at present.

The law's other limitation was that it did not give effective control for the development of the system to the Department of Justice. It did not provide a Probation Director in the Department of Justice, as there was no request from the Department for it at that time as there is today. To overcome these defects, the Association has had introduced a bill, now pending in both branches of Congress to provide that the judges of any United States district court may appoint as many paid probation officers as are needed for the work, subject to the approval of the Department of Justice which has the power to fix salaries. The bill also provides that "the Attorney General, or his authorized agent, shall exercise general supervision over the administration of the probation service in all United States courts. He shall investigate the work of the probation officers and shall make recommendations concerning the same to the respective judges and shall have access to the records of all probation officers. He shall collect for publication statistics and other information concerning the work of the probation officers. He shall prescribe record forms and statistics to be adopted by the probation officers and shall formulate general rules for the proper conduct of the probation work. He shall endeavor by all suitable means to promote the efficient administration of the probation service and the enforcement of the probation laws in all United States courts. He shall incorporate in his annual report a statement concerning the operation of the probation system in such courts."

These new provisions are similar to the New York state law which established the first State Probation Commission, as amended last year to give greater supervisory powers to the State Director of Probation. The Association's bill also adds other administrative improvements, among them providing for clerical service for the probation officers, specifying that the probation officers should supervise parolees from federal institutions at the request of the Attorney General and providing that when there is more than one probation officer in a federal court, the judge or judges might designate one of them chief probation officer to direct the probation work of the court. We believe that passage of this bill will do much for the development of the probation work of the federal courts.

The unsatisfactory side of the picture which has caused many of us to feel that although the probation law has been in effect four years, the work has not progressed as it should have, is the fact that the appropriation from Congress for the work has been altogether inadequate. The first year after the passage of the bill the Department of Justice requested a large enough appropriation to put a pro-

bation officer in every one of the ninety-two federal districts. The Budget Bureau however, allowed only \$75,000, and this was cut to \$50,000 by Congress. Due to the delay in holding the first civil service examination and because the work was not pushed as it might have been by the Department of Justice, only a small part of the money was expended the first year.

The first appointment, that for the Southern District of New York, did not go into effect until April 25, 1927. It was followed on May 2 by the appointment for the Massachusetts District. The third appointment was for the Southern District of West Virginia in June of that year. It then became necessary to hold another examination to establish state lists. This was not completed until January, 1928, and thereafter paid officers were appointed in the Eastern and Western Districts of Pennsylvania and one for the three districts of Georgia. Later in the year an appointment was made for the Southern District of Illinois and, following another civil service examination for California, an appointment has just been made for the Southern District of that state, making a total of eight paid probation officers now on the job.

Although the Department of Justice has requested a larger appropriation each year, the amount was decreased by Congress the second year to \$30,000 and for the current year to \$25,000. Although a committee from the Association appeared before the House Appropriations' Sub-Committee and also before the Budget Director in the fall of 1928 urging the need for an adequate appropriation, the increase was not recommended, and for the fiscal year 1929 to 1930, the wholly insufficient sum of \$25,000 is all that is available. We are hoping, however, that with the improvement of the law giving an increased supervision to the Department of Justice and with the wholehearted backing of the Department itself, we shall have a different report to make to the members of the Association on this matter next year.

In the meantime, what has happened in the federal courts throughout the country? In the first place, the probation work in every district in which a paid probation officer has been appointed has increased to such an extent that all the officers, especially those in the large, populous districts, are swamped with their work of investigation and supervision of cases and now need one or more assistants. They also urgently need clerks or stenographers but none of them have secured the same.

In the districts in which no paid probation officers have been allowed, because there was no appropriation for the purpose, the

judges in almost all cases have used probation to a limited extent by appointing volunteers.

In a questionnaire sent out by the Department of Justice last fall to all United States district judges, the judges reported that during the previous year they had appointed 614 volunteers and that 700 were serving at the time the questionnaire was answered. How much service they were giving the judges did not state, but from the inquiries we have made throughout the country, I believe that only a very small percent were giving real time or attention to the work.

It was reported that a total of 4,256 persons were placed on probation during the previous fiscal year, and that 6,186 were on probation at the end of the year. A need for salaried probation officers was expressed by 54 judges in 39 districts. Thirty-four judges expressed no need for a salaried probation officer.

Only 44 judges replied to the inquiry as to the number of persons who could probably be placed on probation if they had had a salaried probation officer. Some of the replies were indefinite, but it can be gathered from their statements that approximately 5,000 persons could have been placed on probation that were not. Only 18 judges stated that volunteer probation officers were satisfactory. Several of the judges in the larger districts stated that they had urgent need for two or more salaried officers.

An impetus to the development of federal probation work has come from the report of the Congressional Committee on Federal Penal and Reformatory Institutions. Congressman John G. Cooper of Ohio was chairman of this committee. Under date of January 31, 1929 the committee reported and one of its most prominent recommendations is the following:

"The committee has come to the conclusion, after giving the matter very careful thought, that the best method of promptly relieving the deplorable congestion in the federal penitentiaries and in local jails where federal prisoners are held would be to extend the federal probation system. This is also the unanimous judgment of all criminologists and experts who have studied the subject. There are at present only 6 federal judicial districts, out of a total of 92, in which there are probation officers. In response to a recent questionnaire sent to the United States district judges by the Superintendent of Prisons' office, the judges replied that a large number of persons convicted in their courts for violation of federal statutes and now in various institutions, might have been placed upon probation had they the means and personnel to investigate their characters and trustworthiness. The actual out-of-pocket cost of maintaining federal prisoners is about 83 cents a day at the present time. If the probation system had been in operation and these men placed on probation instead of being sent to prison there would have been a large saving in the cost of main-



taining federal prisoners in penitentiaries and jails. This would also have been a great benefit to society as a very large number of these men would be rehabilitated under the probation system. The committee believes that Congress should immediately provide funds to pay the salaries and expenses of probation officers as fast as they can be properly selected."

From a number of the federal probation officers, estimates have come showing the successful results they have achieved and the very real economy of their work. I will quote only one statement from Richard Chappell, the well trained and efficient probation officer who is serving the state of Georgia. With such help as he can secure from volunteers, he is attempting to supervise at the present time no less than 348 probationers. He makes the following statement regarding his work:

"In addition to the fines collected from probationers in this district, there has been a tremendous saving for the Government in jail costs, assuming that each prisoner given probation would have been given a jail sentence. For the Government to have boarded the prisoners in this district in jails, instead of releasing them on probation would have cost approximately \$51,750. The cost of probation was less than \$3,600. This effects a saving of approximately \$48,150. Over 69,000 days have been saved. Most of them were spent in useful work instead of enforced idleness. The probation officer in every case requires the probationer to keep employed at honest work unless the probationer is physically handicapped."

It is unnecessary for me to point out to a probation conference that the use of probation without paid officers to investigate the cases in advance and administer real supervision is not only ineffective but dangerous for the good name of probation. Of course there are a few volunteers who have done good work. Among others, many probation officers of city and county courts have been requested by federal judges to handle some of their cases and many of them have responded nobly to this request for service. In some states, for example New Jersey, the county probation officers all over the state are caring for federal probation cases. I have found, however, that because this is a labor of love, and from the fact that county probation officers always have more than enough to do in their own work, they cannot cover the county or give the attention to federal cases that is necessary. Preliminary investigations that ought to be made in all federal cases cannot be properly made without paid officers.

Judges are using assistant district attorneys, deputy marshals, narcotic agents, lawyers of defendants and relatives, appointing them as probation officers, giving them all the power of the probation law to supervise and enforce the conditions of the court, and the results are most unsatisfactory.

For example, I visited one United States district judge in Georgia some time ago before the paid officer began work there. The judge is a strong advocate of probation. He had many young offenders and family cases that needed probation work. He was using a deputy marshal as probation officer and placing all the cases under him. He had over 200 cases to handle. Investigation showed that if the man on probation chose to send his officer a written report it was received. But if he didn't, nothing whatever was done. He didn't follow up a single case. He never did any probation work outside of the office. Everybody knows this is just a method of suspending sentence and calling it probation.

Treatment like this is a serious thing. If this is developing in the country, and suspended sentence and probation are being confused, we are calling something probation which is nothing of the kind. We will always get results like this where volunteers alone are used, and we will get like returns where we overload the salaried officers.

One thing that is hardly necessary for me to say to this audience is that there is a great need and a great field for probation in the federal courts. We find it difficult to explain this to some people. They have the idea that the federal courts are handling only the prohibition cases, or cases that get into the newspapers such as bankruptcy, embezzlement cases, and others where perhaps there isn't a probation need. You who have had contact with federal courts know that they handle a great diversity of cases. Many types of cases, young children, families and adults of all ages, are dealt with for a great variety of offenses. In almost any of the groups there may be good risks for probation.

If a boy happens to get into trouble with the United States Government through stealing from a mail box or from tampering with interstate shipments on the railroad cars, he goes to a federal court. If he, under the Dyer Act, steals an automobile and crosses a state line, he is a federal offender and goes to the federal court. If he takes a girl across the state line he may be an offender under the Mann Act and may be brought into the federal court. While there are a large percentage of cases that come into the federal courts that are not good cases for probation, there are an increasingly large number that are good material because the jurisdiction of the federal courts has increased and is increasing.

We believe that while we have a prohibition law there is a field here for probation and a very important one, because if prohibition is ever to be effective it must become so through a process of education. In some cases the offender against the Volstead Law is a young

boy who gets in with a gang of bootleggers and sells moonshine to earn money. The boy may not be a deliberate offender. It may be possible to get him out of the crowd he has been with and solve his problem by social treatment. Then there are those who violate the prohibition law because they have always done so and because they don't see anything wrong with it. If anything can be done to change this attitude, it might be accomplished through probation.

A judge in West Virginia, who has used probation extensively in prohibition cases, uses probation along with the fine, thereby accomplishing much along educational lines as well as extending the control of the court more effectively than if he merely, as in many of the federal courts, disposes of the cases with a small fine or small jail term.

One of the most important phases of the work is the investigation of cases before they are placed on probation or otherwise disposed of. The probation officer can be of the greatest help to the court in this matter. We have found federal judges at the start who had little conception of the need for investigation. They thought of the probation officer as a supervising officer only, to look after cases which the judge thought worthy of probation, but our federal probation officers, especially Mr. McSweeney in Massachusetts and Mr. Daly in New York, have convinced their judges of the value of their investigative work and they have gone farther and gotten their agreement not to place any cases on probation until the probation officer has had a chance to make as thorough an investigation as he can. The reason that these officers have been able to demonstrate this important work so successfully is that they are trained men, having had long experience in probation or related work before going into the federal service.

The most important need in the development of the federal probation service is to obtain only experienced and trained men and women for this work. Most of the officers at the start at least, must work alone. They must develop the probation service from the ground up. They are by no means in the position of a probation officer who comes into a well organized probation department where he serves under the constant direction and supervision of a chief or deputy chief, where methods are already well established. They must do a creative and educational job. In most cases they will have to educate their judges, sometimes several judges, also the district attorneys, court clerks and other officials. They must develop a system of cooperation and must make this new work known to the public. While the present beginning salary of \$2,600 per annum for the federal probation

officer makes it difficult to get men with all the education and experience desired, it is possible to secure officers who at least have had a high school education and have also demonstrated their ability through successful experience in probation or related work. These minimum requirements have been enforced and officers of excellent experience and training have been obtained through the civil service examinations in which the Association has cooperated. A plan for examining and insuring qualifications of the candidates for probation officers is essential if the service is to be developed with the proper personnel.

## Remarks On The Newer Justice

HONORABLE CURTIS D. WILBUR

*Judge, United States Circuit Court of Appeals,  
San Francisco, California*

Twenty-five years ago we began a new experiment in liberty. The common law had decreed that a child over fourteen should be punished in the same manner as an adult; if over seven he was to be treated in the same way, providing it could be proved that he knew the act committed was wrong. Children have been hanged on this theory.

Fifteen years earlier in California and before that in other places, the punishment of children had been ameliorated by substituting reform schools for state prisons. This experiment was quickly followed by extending the power of juvenile courts; by adult probation, parole, indeterminate sentence and reformatories for first offenders. These new methods of treating delinquency should extend to every state, and into the federal system as well.

At first we were timid in granting courts the discretionary power which had theretofore been exercised by policemen. The age limit of juveniles was fixed at sixteen, then eighteen, then twenty-one. Major offenses were at first excluded, then included. Capital offenses were first excluded then included in the jurisdiction of the juvenile court. The compulsory school law, the child labor law, the mother's pension law, the workman's compensation law were all valuable in solving juvenile problems. School authorities cooperated. Public brothels were closed, pimps were imprisoned for contributing to the delinquency of minors, libertines were warned to leave young girls alone, private homes for delinquent girls were established and the federal government passed the Mann act. Laws to enforce parental responsibility were passed. Prohibition came to give the poor man a chance to worthily support his family. Employment bureaus were established, hospitals improved, ex-convicts cared for.

A reaction has set in. We have seen better ways. It is for us now to work out the many difficult problems of American life, justice, and liberty. These are also problems of human life which demand our unceasing and most intelligent efforts. They involve schools, churches, colleges, universities, law enforcement officers,

judicial officers, probation and parole officers, teachers, preachers, priests and rabbis and all leaders in well doing. We are glad that these problems are being given serious consideration by President Hoover. The best judgment and efforts are needed to keep a balance between law enforcement and human liberty.

We must "fight it out along this line if it takes all summer"—yes, a lifetime, a century, a millennium, for having broken with the old, we must build the new. All the king's horses and all the king's men cannot put Humpty Dumpty back again. We are building a new temple in which men may dwell. The temple of brotherhood,—its doors are open—it is for all humanity,—it is without roof for it is open toward God.

## CIVIL SERVICE AND PROBATION

CHARLES L. SCHNEIDER, *Secretary, Twelfth Civil Service District,  
San Francisco, California*

Few of us realize that the United States Government is the largest employer of skilled people in the world. There are approximately half a million skilled people on the payroll of the United States, and more than \$800,000,000 is spent a year through that payroll.

Forty-six years ago the civil service system was started as an experiment to save the country from the disgrace of the spoils system. It began with the inclusion of 15,000 people of the Executive Department in the classified civil service.

The early history of civil service was filled with obstacles to be surmounted. Many of the officers, heads of departments, and others in charge of the work, insisted that they were much better qualified to select competent people,—people congenial to them,—if they had a free hand. It was necessary to face in the administration of the civil service law an attitude of over confidence on the part of those with vacancies to fill.

In forty-six years under the civil service law the classified service has grown from less than 15,000 employees to nearly 500,000. Every president, from Arthur to Hoover, has not only been in favor of the retention of the system of competitive examinations with appointments free from partisan consideration, but has favored its extension, largely within the scope of the executive service. There have even been recommendations for the inclusion of many presidential positions from the last four presidents.

Congress hasn't quite kept pace with the attitude of the Executive Department. It hasn't been altogether willing to surrender to a purely non-partisan system a procedure of appointments that has seemingly meant so much to its members.

Much of the opposition to the so-called merit system grows out of the fact that it is a misunderstood and sometimes misrepresented system. In the first place, in the popular mind, a civil service examination carries the connotation of a question and answer test, a mere academic or schoolboy form of examination. In cases however where we wish to measure the ordinary rank of intelligence, we use the intelligence test; where we wish to measure administrative ability we call for evidence of it; where we wish to measure moral character we call for evidence; where we wish to measure physical ability, endurance, stamina, strength, we call for evidence capable of measuring these qualities. No one who is familiar with the system of examinations in the federal service will criticize these examinations as impractical or academic.

The civil service examinations for probation officers conform closely to the standards which the National Probation Association has put forward as adequate to meet the requirements of the positions to be filled. This is a common if not uniform practice of the Civil Service Commission generally. The appointing officers set up the standard of requirements. They give us the specifications of the positions that are to be filled and discuss with us adequate and sufficient tests which, in their judgment, will be a proper



measure of qualifications. The Civil Service Commission, as a rule, if convinced of the good faith and wisdom of these recommendations, follows them closely.

We take the standard of measure which the department has offered us, and we work it out into a feasible and practical form of examination, and apply it to all comers. We invite free and open competition.

This system, which in its early history was characterized as "Chinese", is essentially democratic. It opens to any person with adequate qualifications the opportunity to compete without seeking special favor or influence from persons in any particular walk of life.

In the examinations which are contemplated and which have already been held for probation officers we include, in addition to the tests covering knowledge of probation work in general, oral examinations which are given to the candidates who meet the fundamental requirements by committees representing not only the Civil Service Commission but in certain cases the appointing officers themselves. We take them into our confidence and offer them an opportunity to sit with us and determine some of those rather intangible matters such as appearance, personality, and the ability to make congenial and tactful contacts. These are things that are perhaps better judged by an oral examination than by any written examination that has yet been devised.

As a matter of fact in many branches of the service where the appointees are at work without immediate supervision they are left much to their own initiative and are charged with great responsibility. We give tests of a general character because we feel that otherwise the new appointee is not adequately judged and measured for the work of independent, responsible service, as would be an appointee in a clerical or office position who would sit under the immediate eye of a supervisor.

The Civil Service System is extremely broad and elastic. In fact, in the final analysis, it is the application of good common horse sense to a survey of the qualifications of the individual available for consideration, when measured against a standard which is accepted as commendable by the appointing officers. We feel that this system has been so eminently satisfactory in the Executive Department that it ought to be equally satisfactory in the judicial branch of the service to which it is applied by the terms of the probation law.

We feel that the National Probation Association is already so strongly committed to its value that it would be mere re-affirmation of your well established viewpoint to give us, in the form of a resolution, the statement that you favor a continuance of the form of competitive examination which has been so successful in the executive branch of the service.

#### DISCUSSION

ANDREW Y. WOOD (Chairman, Adult Probation Committee, San Francisco, Calif.): Any motion on this subject, or suggestions of the Resolutions Committee in connection with it?

JUDGE H. C. COCHRAN (Judge of Juvenile and Domestic Relations Court, Norfolk, Va.) I move that the plan of continuing appointments in

the federal probation service under civil service be approved by this group and request that the Resolutions Committee bring in a resolution to that effect.

**CHAIRMAN WOOD:** Do I hear a second?

**W. H. NICHOLL** (Chief Adult Probation Officer, San Francisco): I second the motion.

**CHAIRMAN WOOD:** You have all heard the motion and understand its purport. All those in favor signify by saying "Aye"; contrary minded "No." It is carried.

**DR. HASTINGS H. HART** (Consultant in Delinquency and Penology, Russell Sage Foundation, New York city): The statement is often made, as an objection to the use of civil service examinations, especially in the case of the service you spoke of, that although the intention of the civil service law is to give a tenure of office to competent people, it makes it exceedingly difficult to get rid of a man who may seem to his superiors to be really unfit and therefore it results in continuing in office many men who ought to be taken out.

**MR. SCHNEIDER:** Under the federal civil service law there is a provision which requires every new person to be appointed on probation,—not in the sense that your Association contemplates it, but as a trial appointee. He is, in fact, passing a continuing examination, which may not last more than six months beyond the date of his appointment. During that period he is under the scrutiny and observation of the appointing officer, and he may be dropped at any time, after a fair trial, upon a statement to him of the reasons for such separation. He doesn't have the opportunity to demand a trial, or a hearing, or any form of procedure for his removal during this period of probation. As a matter of fact, the appointing officers in the Executive Department are enjoined and encouraged to carefully and fairly use this probationary period to test fully and completely the qualifications and preparation of the new appointee.

The appointees under this form of examination are vastly freer from pressure to retain them than they would be if their appointments were made at the instance of an influential friend. This is the common experience of the federal service.

## Presentation of the Harmon Award

To the Honorable AUGUST VOLLMER  
*Chief of Police, Berkeley, California*

By CHARLES L. CHUTE

*General Secretary, National Probation Association  
New York City*

I have been chosen by the Harmon Foundation to present a medal of honor to the Honorable August Vollmer, Chief of Police of Berkeley, California, a man whom we, as an Association of social workers in the field of criminal justice have long honored.

Workers in the courts cannot do their work effectively without cooperation from police departments. The man whom we delight to honor today is the chief exponent in this country, if not in the world, of this cooperation of the police in social and prevention work as well as the development to the highest degree of police efficiency.

In the statement issued by the Harmon Foundation Award Committee, there are given these facts concerning Mr. Vollmer:

The Harmon Foundation inaugurated in 1927 an award for outstanding public service to be granted to individuals who created, introduced or developed an idea or activity of value in promoting civic, social or industrial welfare in this country. Officials in their line of duty producing something of lasting benefit and private citizens whose work marks an important step in the bettering of conditions of our civic, social or industrial life were eligible for consideration. Nominations were invited from the general public. The awards were to consist of a gold medal, one being accompanied by an honorarium of \$1,000.

The judges of these awards were Howard S. Braucher, Secretary of the Playground and Recreation Association of America; Lillian Gilbreth, Consulting engineer; Paul Kellogg, editor of the Survey magazine; Samuel McCune Lindsay, professor of social legislation at Columbia University; Dr. Paul S. Munroe, professor of education, Columbia University.

Chief August Vollmer was chosen because of his signal contribution to the country's welfare in police organization and crime prevention. He has created in Berkeley a police department and a police system, as well as a police school, which are unique in this country. He started them at a time when interest in police matters and in criminology was negligible in contrast with such matters today. He worked largely alone without encouragement.

He has preached the gospel of preventive rather than curative work on the part of police agencies; the selection of policemen for intellectual capacity

as well as brawn; the promotion of patrolmen to officers because of definitely determined ability; the establishment of training schools for policemen and officers on the use of scientific methods of protection, and the cooperation of police agencies with the social and religious organizations of each community. He is also a leader in the field of traffic safety, having originated a plan of adult and juvenile education which is being utilized for the state of California by the California Safety Conference in San Francisco.

He has contributed to crime prevention through the media of scientific study of the delinquent child, and new ideas for law enforcement and criminal apprehension. His scientific ideas inaugurated in the California State Bureau of Criminal Identification and Investigation have received a world-wide recognition, so much so that the state and national bureaus have followed his recommendations in their entirety.

(Letters of congratulation and endorsement were then read and presented to Chief Vollmer. There was presented to Chief Vollmer the gold medal of the Harmon Foundation inscribed: "August Vollmer—for outstanding public service").

## Acceptance Speech

*On the occasion of the presentation of the  
Harmon Foundation Award,*

*June 26, 1929*

By AUGUST VOLLMER

*Chief of Police, Berkeley, California*

What can anyone say in the embarrassing position which I find myself? After listening to the letters which have been written, even were I a speech maker or orator I should be without words.

I am grateful to the Harmon Foundation for having presented me with the foundation medal, but I wonder if our friends do not get us into trouble when they heap honors upon us. When Judge Wilbur said this was a great game, every person present in this audience must have agreed that it is a great and worth while game, and more especially the men and women who are engaged in work in the several branches of the social sciences, and particularly those that deal with delinquency.

If each organization might be pictured as a man on an athletic team, and every man on the team was fit for the job mentally, morally and physically, and if the members had the spirit of devotion to the cause that should dominate the right type of team, it is my opinion that we could meet the problem of delinquency more intelligently than we have in the past.

Every student of delinquency knows that the further up the stream we go the more likely are the possibilities of crime prevention. Hence, why wait until the individual has formed habits that are too difficult to correct? If school, health and welfare departments will coordinate their activities to promote health, happiness and welfare of children; if police departments will do their share toward preventing delinquency and helping children from reaching juvenile courts; if probation officers and juvenile judges will utilize everything that science has to offer in their endeavors to arrest delinquency during its formative period, and if all these agencies will do their utmost to prevent young men from reaching the penitentiaries, and if all along the road of crime prevention, scientific and sympathetic treatments were given, I believe that we can reduce measurably the extent of crime in this country.

## Tribute from the Berkeley Chamber of Commerce

Given by HOLLIS R. THOMPSON

I wish I might tell you the feeling that Berkeley has for Chief Vollmer. I know just how embarrassed Chief Vollmer is, because those of us who have been close to him have realized that the one thing that embarrasses him most of all is to receive public attention. Innate modesty has marked his public career.

Berkeley is proud of the man who began his career there and who has through his concentration to duty and his intelligence, been able to build the greatest reputation in police circles today.

We know Chief Vollmer in Berkeley in the field of criminology and police development; but we know him for something that in my opinion is even greater than these things he has been able to do throughout the nation,— for the reputation he has been able to build of true worth.

We know him as a man who loves men and women, a man who has a great heart. Over in Berkeley you will find that Chief Vollmer is beloved by the humblest and the highest in rank. I have never known a man in public life who was so universally liked. I imagine many of you would be surprised if you were able to watch his office and see the horde of people who pour in from our own city and other cities for advice and counsel. He is always ready and willing, although he is a busy man, to help those who seek him.

We want to bear testimony that Chief Vollmer is the most honored man in our city today, by reason of the things that he has done for that city. We are happy and proud that the Harmon Foundation has seen fit to recognize him.

SUMMARY OF LAWS AND DECISIONS  
AFFECTING JUVENILE COURTS AND ADULT  
PROBATION FOR THE YEAR ENDING  
OCTOBER 1, 1929

FRANCIS H. HILLER

*Field Secretary, National Probation Association*

*Arizona*

The juvenile court law was amended to authorize the superior court judges to appoint a chief probation officer and any number of deputies for each county, but not more than one officer for each fifty persons on probation. Their salaries are to be fixed by the judges with the consent of the boards of supervisors, not to exceed \$2400 for the chief, \$2000 for deputies, and \$1800 for office assistants.

*Arkansas*

1. The position of parole officer for the state penitentiary was abolished and the duties of his office transferred to the warden.

2. In the case of *Underwood v. Farrell* decided by the Arkansas Supreme Court October 31, 1927, it was held that the jurisdiction of the juvenile court over delinquent children is not criminal and that it must not commit children to institutions for definite periods, as commitments for definite periods approximate criminal sentences.

3. The juvenile and county courts were given jurisdiction to commit physically handicapped children under 21 to the newly established State Commission for Crippled Children.

*California*

1. The State Crime Commission was continued for two years.

2. "Twenty-four hour schools" were authorized, to be established by any school district (or districts combining) for pre-delinquent children between 8 and 16 years of age. Such pupils may be assigned to the "twenty-four hour schools" by order of district superintendent of schools, approved in writing by parent or guardian; if latter decline to approve, superintendents may apply for an order of commitment to the superior court, juvenile division, or to "any other court of competent jurisdiction".

3. A state reformatory for women was provided for.

4. County parole boards were established for the parole of county jail prisoners.



5. A division of probation was established in the state department of social welfare, for the investigation, supervision and standardization of probation work in the state. Twenty thousand dollars was appropriated for this purpose for the next two years.

6. The adult probation law was amended to require applications for probation to be referred to a probation officer for investigation and report before probation is ordered.

7. The juvenile court law was amended to require preliminary examinations before petitions are filed, except when the judge authorizes filing prior to investigation; to require that the court shall not place children in foster family homes other than those licensed by the state department of social welfare, and to increase to thirty-five dollars a month the amount of board which may be paid; and to authorize private hearings in the discretion of the court.

#### *Colorado*

1. A law similar to the so-called Baumes laws of New York was adopted, providing for increased sentences upon the second and third convictions of certain specified serious felonies, and for mandatory life imprisonment sentences upon fourth convictions of any of these offenses.

2. A bill failed of passage providing for a state department of public welfare with broad powers of supervision over public and private welfare agencies and institutions, including the supervision of juvenile courts and probation.

#### *Connecticut*

A separate juvenile court was established for the City of Bridgeport with a special judge appointed by the General Assembly. The officials of the City Court have heretofore been acting in corresponding capacities in the juvenile court. The new court has been organized, and an experienced chief probation officer appointed.

#### *District of Columbia*

The detention of children under 17 years of age was transferred from the jurisdiction of the Police Department Woman's Bureau to the Board of Public Welfare. The appropriation act of 1929 for the District of Columbia establishes a receiving home for dependent and delinquent children and directs that they be maintained in a building separate and apart from the House of Detention.

#### *Florida*

1. An act was adopted establishing a juvenile court in Broward County (with Fort Lauderdale).

2. An act was passed authorizing Hillsborough County (with Tampa) to issue bonds to the amount of \$150,000 to build an industrial home for wards of the juvenile court.

#### *Idaho*

The adult probation law was amended to permit persons on probation, in the discretion of the court, to make written reports to the judge instead of appearing personally to report in court.

#### *Indiana*

1. A bill to establish a state probation commission, with power to appoint the state probation officer, failed; the governor retains the power to appoint this officer.

2. The juvenile court law was amended to authorize the hearing of cases elsewhere than in the county court house in Marion County (with Indianapolis).

#### *Iowa*

1. The definition of a dependent or neglected child in the juvenile court law was broadened to include a child who "is living in a home wherein because of carelessness or neglect of a person or persons having a transmissible disease of a serious nature . . . the health of said child may be in danger".

2. The provisions of the juvenile court law relating to contributing to the delinquency of a child were extended to include contributing to dependency.

#### *Kansas*

1. The salaries authorized by law for juvenile court probation officers were increased.

2. It was provided that county detention homes "or juvenile farms" for girls shall be in charge of a matron appointed by the judge of the juvenile court, assisted by a board of five women named by the county commissioners.

#### *Maryland*

1. The Washington County Juvenile Court Act was amended, giving the court broader powers in disposing of children's cases, and authorizing the court to hold for criminal prosecution children over 14 charged with serious offenses.

2. A bill to legalize the adult probation system of Baltimore and establish it on a modern basis, failed.

#### *Massachusetts*

The name of the "State Commission on Probation" was changed to "Board of Probation", and that of its executive officer from "Deputy Commissioner" to "Commissioner of Probation".

### *Minnesota*

A law was enacted creating a probation department in the district court of Hennepin County (with Minneapolis) which court exercises the juvenile court jurisdiction. The former legal provisions for adult probation officers in this court were incomplete and unsatisfactory. The new law legalizes a number of duties that the probation office has been performing for which there was no authority, such as collecting alimony and support money and making investigations and reports in criminal cases. Added powers include the making of investigations in divorce actions and exercising supervision over children in such cases, the power to compel persons ordered to pay support or alimony to make payment by instituting contempt proceedings if necessary, and the general power to perform such other duties for the protection of children and indigent mothers as may be directed by the court. The probation officers are to be appointed by the judges of the district court, who may determine qualifications and hold competitive examinations.

### *Missouri*

1. A bill regulating and enlarging the duties of probation officers, failed.

2. An important decision was rendered by the Missouri Supreme Court in the case of the State ex rel Boyd v. Rutledge, construing the juvenile court law amendment of 1927 concerning transfers of cases from criminal courts to juvenile courts, and vice versa. In brief, the opinion holds that the juvenile court has exclusive jurisdiction in delinquency proceedings regarding children under 17, and also exclusive jurisdiction in criminal proceedings which may be brought against such children if they are charged with violation of law. Only in cases of children over 17 charged with offenses committed before they reached that age may there be transfers from criminal to juvenile or from juvenile to criminal court.

3. The maximum salaries authorized for probation officers in the juvenile courts were increased.

### *Nebraska*

1. The juvenile court law was amended increasing the salaries of juvenile court probation officers in Douglas County (with Omaha) to \$3000 for the chief and \$1800 for five assistants.

2. A bill to revise the juvenile court law along the lines of the Standard Act failed.

### *New Jersey*

Laws were enacted for a unified probation system in all counties,

gathering together the provisions formerly scattered through two enactments, and adding important improvements; and establishing juvenile and domestic relations courts in all counties. New Jersey has had a good juvenile court law for only the two first class counties, the others having had "courts for the trial of juvenile offenders" operating under very inadequate and imperfect statutes. The new laws are based upon drafts prepared by the National Probation Association, with modifications to suit local conditions made by the New Jersey Commission on Probation. A bill to establish state supervision of probation failed.

#### *New Mexico*

The age limit for delinquent children coming under the jurisdiction of the juvenile courts was raised from 16 to 18 years.

#### *New York*

The children's court law of Syracuse was revised along the lines of the county children's court act as to definitions, jurisdiction, powers, and procedure.

#### *North Carolina*

A domestic relations court was established in Mecklenburg County (with Charlotte), with jurisdiction under the juvenile court law and of cases of abandonment and non-support, of the custody of children except in divorce cases, illegitimacy proceedings, violations of school attendance laws, cases against adults for assault and battery against a child or against husband or wife of the defendant, and cases against adults charged with receiving stolen goods from children. The court is also given the duty of investigating and reporting with recommendations to the Superior Court in cases of adoptions and regarding the custody of children in divorce cases.

#### *North Dakota*

1. An amendment to the juvenile court law authorizes the appointment of a greatly increased number of juvenile court commissioners (referees); and authorizes the state children's bureau to collect juvenile court statistics.

2. In the case of the State ex rel Stensby v. McClelland, decided by the North Dakota Supreme Court on July 20, 1929, the exclusive original jurisdiction of the juvenile court is affirmed and its right is upheld to commit children under 18 to the state training school for their minority.

3. The juvenile courts were authorized to retain jurisdiction over children made wards of the court, until they become 21 years of age; also to make preliminary investigations in children's cases.

### *Ohio*

1. In counties of over 300,000 (Hamilton County with Cincinnati and Cuyahoga County with Cleveland) courts of common pleas were authorized to employ psychiatrists and psychologists at salaries to be fixed by the judges with the approval of the county commissioners.

2. The same counties were authorized to provide separate buildings for the juvenile court and probation staff.

3. In the same counties the appointment was authorized of juvenile court case referees.

4. The judges exercising juvenile court jurisdiction were given additional powers in designating the titles and duties of probation officers. The specific statutory limitations on probation officers' salaries were removed and the judges were given power to fix such salaries within the limits of the aggregate amounts appropriated by the counties.

### *Oklahoma*

1. The appointment of one probation officer at a salary of \$1800 was authorized in Oklahoma County (with Oklahoma City) and in Paine County (with Stillwater).

2. An act applying to the city of Tulsa gives the municipal criminal court coordinate jurisdiction with the county court in cases of juvenile delinquency.

### *Oregon*

The domestic relations court of Multnomah County (with Portland) is abolished and its jurisdiction transferred to the circuit court. An additional circuit court judge is to be elected to preside over the domestic relations department. The present judge of the domestic relations court is made a circuit court judge to hold office until the expiration of the term for which he has been elected.

### *Pennsylvania*

1. Sentences of increased severity were authorized for second and third offenders and life imprisonment for fourth offenders. The act applies only to specified serious offenses and the imposition of increased or life imprisonment sentences is optional with the courts.

2. The position was established of Supervisor of Paroles, with as many field agents as necessary, to be appointed by the attorney general and to serve under a State Board of Pardons.

3. It was provided that parole violators from the Huntingdon Reformatory may be returned to serve their maximum sentences.

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## *Pennsylvania*

1. Sentences of increased severity were authorized for second and third offenders and life imprisonment for fourth offenders. The act applies only to specified serious offenses and the imposition of increased or life imprisonment sentences is optional with the courts.

2. The position was established of Supervisor of Paroles, with as many field agents as necessary, to be appointed by the attorney general and to serve under a State Board of Pardons.

3. It was provided that parole violators from the Huntingdon Reformatory may be returned to serve their maximum sentences.



### *Rhode Island*

An act was passed requiring that quarters and equipment for the State Probation Officer and his deputies be provided in the court houses.

### *Tennessee*

An act was passed enacting a juvenile and domestic relations court for Hamilton County (City of Chattanooga) with jurisdiction in cases of delinquent and dependent children, divorce (with exclusive jurisdiction in divorce cases involving the custody of children) support of wife or child, abandonment and violation of school attendance laws.

### *Utah*

A bill to change the practice in appeals from juvenile courts, and to authorize the appointment by the State Juvenile Court Commission of a probation officer for each county (instead of one for each judicial district) failed.

### *Washington*

The juvenile court law was amended to give the Superior Court commissioners authority to hear and adjudicate children's cases in counties where there is no resident judge of the Superior Court.

### *West Virginia*

1. The appointment of an adult probation officer was authorized for Kanawha County (Charleston) at a salary of not more than \$3000.
2. The sterilization of mental defectives was authorized, in certain state institutions including the state hospitals, and the industrial schools for boys and for girls.

### *Wisconsin*

A new children's code was adopted, including a complete revision of the juvenile court law. The draft for this revision was prepared by the National Probation Association, including the main provisions of the Standard Juvenile Court Act.

### *Dominion of Canada*

The juvenile delinquents' act, applying to all provinces was revised and strengthened. Among the many detailed changes made, the more important are the following:

1. "Where a child is adjudged to have committed a delinquency, he shall be dealt with, not as an offender, but as one in a condition of delinquency and therefore requiring help and guidance and proper supervision."

2. "Proceedings under this act with respect to a child, including the trial and disposition of the case, may be as informal as the circumstances will permit, consistently with a due regard for a proper administration of justice."

3. Where a child has been adjudged to be a juvenile delinquent the court may take further action with respect to the child any time before he reaches the age of 21 years.

4. Parents of children adjudged to have been guilty of offenses may be required to pay fines, damages, and costs.

5. The provisions regarding contributory delinquency are made more clearly applicable to "any person, whether the parent or guardian of the child or not." The court is also given power to adjourn the hearing of such cases as it may deem advisable.

In the Province of Ontario, the establishment was authorized of domestic relations courts, and such a court has been established in the city of Toronto.

ANNUAL REPORT OF THE WORK OF THE NATIONAL  
PROBATION ASSOCIATION FOR THE YEAR  
ENDED MARCH 31, 1929.

*To the members of the National Probation Association:*

The year has been one of marked progress in developing public interest in effective social treatment and prevention of delinquency. The work of the crime commissions, city, state and national, has borne fruit in an increasing demand for research and study of the offender. Through the work of a few leaders with constructive vision, public attention has been focused on agencies for preventive, individual treatment. The juvenile court, the domestic relations court and adult probation, are receiving public attention all over the country.

This has greatly enhanced the work and opportunity of the National Probation Association which is committed to developing the efficient use of the now generally accepted methods for effective, early treatment of delinquency. The Association has been active in answering calls for service from all parts of the country. The requests for surveys and advice and assistance to courts, the supplying of speakers, and other services, have taxed the resources of the Association.

*Surveys*

The Association has had three field secretaries actively at work in the field throughout the year. The following special surveys were made:

*Los Angeles:* Mr. Hiller made a four months' detailed survey of the Los Angeles Juvenile Court at the request of the judge and of the Los Angeles Rotary Club, the expenses of the work being borne in part by the club. The report was submitted in August and later it was printed and widely distributed. Letters of commendation on the work were received from Judge Scott, the Chief Justice; Justin Miller, Dean of the Law School of the University of Southern California and others. In connection with the survey a program of legislation was submitted, almost all the items of which were enacted by the legislature with the cooperation of the State Crime Commission and State Commission on Problem Children. Improvements in methods and personnel have followed the survey.

*Nebraska:* Mr. Drowne made a survey of six rural counties in Nebraska at the request of the State Department of Public Welfare. He submitted county reports and a general state report on legislation and state supervision. The reports were printed and distributed and resulted in the appointment of new probation officers.

*North Dakota:* Mrs. Bell made a state-wide survey of juvenile courts in North Dakota at the request of the State Children's Bureau and the Juvenile Court Committee of the Judicial Council. Two and one-half months were devoted to the field work. Every judicial district was visited and practically all of the judges and juvenile court commissioners were seen. The expenses were met in part by the State Children's Bureau. A full report was prepared and submitted and since the close of the year legislation has been adopted in pursuance of some of the recommendations.

*Utah:* Mr. Drowne made a study of juvenile courts in all parts of the state at the request of the State Juvenile Court Commission consisting of the Governor, the Attorney General and the State Superintendent of Public Instruction. He made addresses in various parts of the state and conferred with state officials and all the juvenile court judges and probation officers. The report of the survey was printed by the state. At the request of the State Commission a complete revision of the juvenile court law was prepared by the Association and submitted. The expenses of the survey were met in part from state funds and in part by the contributions obtained by the judges.

*Boston:* Mr. Hiller and Mrs. Bell assisted Dr. Van Waters for two months each in the study of juvenile delinquency conducted as a part of the Harvard Law School Survey of Criminal Justice in Boston.

#### *Other Field Work*

Mrs. Bell began a survey of the Juvenile Court of Tampa, Florida. A study of other courts in Florida is to follow.

Mr. Hiller made a brief study of the federal probation work in the southern district of West Virginia.

Many other field visits to assist the courts and probation were made either by the General Secretary or members of the staff. A partial list of places visited, in addition to the work of the surveys mentioned, follows: Omaha, two visits; Salt Lake City, two visits; Des Moines; Milwaukee and Madison, Wisc.; Cheyenne; Denver, two visits; Hackensack, two visits; Newark and Jersey City; Albany, two visits; Rochester, two visits; Syracuse, Utica, Buffalo, Schenectady, Troy, White Plains, Peekskill and Yonkers; Poughkeepsie, two visits;

Pittsburgh, three visits; Columbus, three visits; Toledo, Cincinnati, three visits; Cleveland; Boston, two visits; Kansas City; Louisville; Charleston, West Va.; Butte; Tucson; Memphis, three visits; Chattanooga, Nashville and Knoxville; Chicago, two visits; Los Angeles; Santa Barbara; San Francisco, two visits; Sacramento; Miami; Baltimore; Grand Rapids; Ann Arbor; Providence; Bristol, Bridgeport, Waterbury, New Haven; Hartford; Detroit.

### *Institutes, Conferences and Addresses*

A three day institute on juvenile court and probation work was conducted by Mr. Hiller in connection with the Michigan State Conference of Social Work. He also conducted the juvenile delinquency section of the Institute on Municipal Administration held by the University of Southern California in Los Angeles; there were ten sessions with an attendance from 100 to 180.

The annual conference of the Association was held in Memphis, April 30-May 2, with 283 delegates in attendance. A special probation conference was conducted in cooperation with the American Prison Association at Kansas City in October.

Members of the Association staff have addressed state conferences of social work in Arizona, Kentucky, New York, California, Montana, Wyoming, Missouri, Florida, Connecticut and West Virginia. Numerous addresses have also been made before Rotary Clubs, churches, councils of social agencies, sociology departments of universities, and other groups in many states. The General Secretary addressed a meeting in Boston to commemorate the 50th anniversary of the first probation law.

### *Legislation*

The legislation secured in California and North Dakota has been referred to above.

At the request of the Wisconsin Children's Code Committee, the Association prepared a complete revision of the Wisconsin juvenile court law and this was adopted with but little change by the Wisconsin legislature.

In New Jersey the drafts of a new juvenile court law and an adult probation law, submitted by the Association last year with our report of the survey for the Legislative Commission on Probation, were both adopted with some modifications.

A bill prepared by the Association to revise the adult probation law of Maryland, with special references to Baltimore, received favorable consideration and passed one house of the state legislature.

The Association also assisted in drafting probation bills for Utah, Missouri and Indiana and gave advice and assistance in other states.

A new revised edition of the Association's Standard Juvenile Court Act was published, the first edition of 2,000 copies having been exhausted. Corrections and changes were submitted to original committee and approved. Mr. Hiller spent considerable time in completing an analysis of laws in the United States and Canada relating to juvenile courts and adult probation. Two pamphlets, one on juvenile courts and the other on adult probation, have been prepared for publication.

### *Federal Probation*

A great deal of attention was given throughout the year to the slowly developing system of probation in the United States courts. The General Secretary made numerous visits to Washington, cooperating with the Department of Justice, the Civil Service Commission and others. We urged a bill in Congress to strengthen the law, provide additional paid officers and give an adequate supervisory force to the Department of Justice. The bill was pending in both houses at the close of the year. We conducted an extended hearing before the House of Representatives' Committee on Appropriations and also appeared before the Budget Director, urging an increased appropriation for the work. The General Secretary assisted the Civil Service Commission in conducting an examination in California. Seven paid officers were serving in as many districts at the close of the year.

### *Publicity*

The publicity department of the Association under Miss Louise Franklin Bache has done excellent work. Numerous news and editorial articles have been sent out to all the newspapers of the country. Several syndicates have released articles for us on probation. An article on the relationship between probation work and the church was sent to practically all religious publications and has been published by many of them. Special articles have appeared in a number of magazines.

### *Publications*

"*Probation*", the bulletin of the Association, became a monthly instead of a bi-monthly publication in September. It is issued every

month except July and August and is sent free to all active members and to contributors of the Association upon request. Many of our members testify to its increasing practical value. Articles, notes, case studies, etc., are contributed by court workers and others.

The Year Book for 1928, entitled "Proving Probation", was published during the year. 3000 copies were printed. It was sent free to active members and many copies were sold to others. A considerable number of libraries purchase the volume annually.

The following pamphlets and leaflets were published during the year:

*"The Selection and Training of Probation Officers"* by Philip A. Parsons, reprint from the 1928 Proceedings.

*"The Processes of Probation"*, by Edwin J. Cooley, reprint from the 1928 Proceedings.

*"The Child and the Court"*, a popular pamphlet on juvenile court work.

*"Leaflet on the work of the National Probation Association"*.

*"The Standard Juvenile Court Law"*, revised edition, annotated.

The following popular leaflets on the work of the Association were issued:

*"Please give me a Chance to be Heard"*, *"A New Building Plan"*, *"The Christmas Story of Martin Tabert"*, *"Shall John Have His Ears Clipped"*.

#### *Employment Bureau*

We have continued the work of the employment bureau, registering many candidates seeking probation positions. Requests from courts for trained and experienced officers have somewhat increased, though these are still much fewer than the number of candidates applying. A number of experienced probation officers have been satisfactorily placed. There is a growing demand for this service.

#### *Work of Committees*

*Committee on Domestic Relations Courts:* The Committee held a meeting with Miss Lenroot, Mr. Flexner and Mr. Oppenheimer of the Federal Children's Bureau to discuss the report and recommendations of the Bureau's study of Domestic Relations Courts. Miss Lenroot presented a report at the annual conference of the Association on this study. Plans were made by the Committee for further studies and development of standards for these courts.

*Committee on Records and Statistics:* The model probation case record blanks of the Association were revised and reprinted. The Committee was consulted from time to time regarding problems that were presented.



*Committee on Work with Girls:* Through the Chairman, the Committee secured the writing of a number of articles on probation case work, several of which were printed in the monthly Bulletin.

#### *Board of Directors*

Four meetings of the Board of Directors were held during the year and in addition two meetings of the Executive Committee of the Board. In February a well attended luncheon of the Board and Advisory Committee of the Association was held in New York. Mr. Wickersham presided and the speakers were Judge Charles C. Nott, Jr., of the Court of General Sessions, and Joab H. Banton, District Attorney of New York.

#### *Staff Changes*

Ernest H. Cole, who had been financial secretary of the Association for two years, presented his resignation in August. He has been succeeded by Edgar H. Rue. There were no other changes in the staff except the addition of one permanent stenographer and the employment of an average of two additional clerks and typists.

#### *Membership and Financial Support*

The active and contributing membership of the Association numbered 7,880 at the close of the year. One year previous the number was 6,683. Of the number at the close of the year 4,970 were former contributors who had renewed and 2,910 were new during the year. We have members from every state in the Union and from many foreign countries. Letters have been sent out to all judges and probation officers of the country, increasing our active membership. We have continued to send out many letters to city lists signed by a judge or prominent supporter of the Association. These have brought in the greater part of our general support. In the interest of arranging these local appeals and otherwise building up the Association's support, Mr. Rue, our Financial Secretary, has visited many cities.

A full report was made to the Commonwealth Fund in February of the results of the three years' work of our Field Service Department, made possible by a grant from the Fund, and personal conferences were held with their representatives. As a result the Fund has provided for the continuance of the contribution in the following amounts for the next three years respectively: \$9,000, \$7,500 and \$6,000.

From the Hartley Corporation, through the generosity of Mrs. Helen Hartley Jenkins, we received \$1,000.

We have presented appeals for the support of special projects to the Bureau of Social Hygiene of the Rockefeller interests, the Harmon Foundation and others.

#### *General Work*

Research and the collection and dissemination of information required much of the time of the staff. We endeavor to keep at all times up to date lists of probation officers and judges of the country, and to obtain data regarding salaries and work of the probation officers. The Association is serving more and more as a clearing house for information and advice. The number of requests from courts, organizations, and individuals desiring assistance in establishing and improving probation work is constantly increasing. There is need to extend the research and educational work carried on by the Association to better serve in the advancement of probation standards.

For the Board of Directors,

CHARLES L. CHUTE,  
*General Secretary.*

April 1, 1929.

## NATIONAL PROBATION ASSOCIATION, Inc.

### BY-LAWS

Adopted May 31, 1919. Amended April 14, 1920; June 21, 1921;  
June 22, 1922; June 9, 1925

#### ARTICLE I—NAME

The corporate name of this organization shall be the National Probation Association, Incorporated.

#### ARTICLE II—OBJECTS

The objects of this Association are:

To study and standardize methods of probation and parole work, both juvenile and adult, by conferences, field investigations and research;

To extend and develop the probation system by legislation, the publication and distribution of literature, and in other ways;

To promote the establishment and development of juvenile courts, domestic relations or family courts and other specialized courts using probation;

To cooperate so far as possible with all movements promoting the scientific and human treatment of delinquency and its prevention.

#### ARTICLE III—MEMBERSHIP

The membership of the Association shall consist of persons and organizations who apply for membership and are accepted by the Board of Directors and who pay dues annually. Members shall be classified as active members, contributing members, supporting members, sustaining members, patrons, life members, and organization members. Active members shall be those who pay dues of \$2.00 or more a year, except that when arrangements are made for the affiliation of all the members of a state or local association of probation officers, paying joint dues in the local and national association the Board of Directors may authorize a reduction of dues for active membership. Contributing members shall be those who contribute \$5.00 or more annually to the Association. Supporting members shall be those who contribute \$10.00 or more annually to the Association. Sustaining members shall be those who contribute \$25.00 or more annually to the Association. Patrons shall be those who contribute \$100.00 or more during a single calendar year. Life members shall be those who contribute \$1000.00 or more to the Association. Organization members shall consist of organizations, courts or institutions which shall contribute \$10.00 or more annually to the Association. Members who fail to pay their dues after reasonable notice in writing by the Treasurer or General Secretary shall thereupon cease to be members.

#### ARTICLE IV—OFFICERS

The officers of the Association shall consist of a President, Vice-President, General Secretary, Treasurer and Board of Directors. The President and Vice-President shall be elected by ballot at the annual meeting of the Association. They shall serve one year and until their successors are elected. The General Secretary and the Treasurer shall be elected by the Board of Directors and shall serve during its pleasure. The Board may elect honorary vice-presidents in its discretion who shall serve during its pleasure.

#### ARTICLE V—DUTIES OF THE OFFICERS

The President shall act as Chairman at all business meetings of the Association. In the absence of the President, the Vice-President shall so act. The General Secretary shall be the chief executive officer of the Association. The Treasurer shall have charge of the finances of the Association and shall report thereon to the Board of Directors.

#### ARTICLE VI—BOARD OF DIRECTORS

The Board of Directors shall consist of twenty-eight members so elected that the terms of seven shall expire each year. At each annual meeting of the Association seven directors shall be elected by ballot. The Board shall elect its Chairman annually. The Board may fill a vacancy occurring among the officers or the Board of Directors until the next annual meeting of the Association, at which time a successor shall be duly elected for the unexpired term.

#### ARTICLE VII—DUTIES OF DIRECTORS

The Board of Directors shall have general direction of the work of the Association and shall administer the funds of the Association. It shall report to the Association at the annual meeting and at such other times as the Association may require.

#### ARTICLE VIII—EXECUTIVE COMMITTEE

There shall be an Executive Committee consisting of seven members of the Board of Directors. Such Committee shall consist of the Chairman of the Board who shall act as Chairman of the Committee, and six members of the Board to be appointed by the Chairman annually. Such Committee shall have the powers and perform the duties of the Board of Directors between its meetings, subject to the approval of the Board. Three members shall constitute a quorum.

#### ARTICLE IX—OTHER COMMITTEES

A Nominating Committee consisting of five members of the Association shall be appointed by the President each year to nominate the officers to be elected by the Association. Such standing and special committees as may be authorized by the Association or the Board of Directors shall be appointed by the President.

#### ARTICLE X—MEETINGS

The annual meeting of the Association shall be held on the third Tuesday in May or on such day as may be determined by the Directors. Special meetings may be held as determined by the Directors. Ten members shall constitute a quorum. Meetings of the Board of Directors shall be held as it may determine. Seven members shall constitute a quorum of the Board.

#### ARTICLE XI—AMENDMENTS

These by-laws may be amended by a two-thirds vote of the members of the Association present at the annual meeting, subject to the approval of the Board of Directors.

## MINUTES

*Transacted at the Twenty-third Annual Conference of the National Probation Association, San Francisco, California, June 24-28, 1929*

The annual conference consisted of ten separate sessions together with four separate luncheon or dinner meetings, two joint sessions with the National Conference of Social Work and a joint luncheon with the American Association of Psychiatric Social Workers.

There were registered at the conference one hundred and eighty-seven delegates. Of these, ninety-three paid dues as members of the Association and sixty-three were already paid up members. Delegates were present from twenty-five states, two from Canada, one from England and one from Hawaii. Over three hundred persons were present at both of the evening sessions and at the final luncheon, addressed by Judge Curtis D. Wilbur, former Secretary of the Navy, and at which a medal was presented to August Vollmer, distinguished Chief of Police of Berkeley. A conference play and other interesting events were features.

The following business was transacted:

Reports were presented by the Committees on Federal Probation, Domestic Relations Courts, Work with Women and Girls, and Records and Statistics. It was voted at a section meeting at which federal probation problems were discussed that the conference favored the plan for continuing appointments of probation officers in the federal service from the civil service and that the Resolutions Committee be requested to bring in a resolution to that effect.

The General Secretary reported on behalf of the Board of Directors concerning the results of the Association's work during the past year. The following Committee on Resolutions was appointed:

Judge Raymond Fallagant, Savannah, *Chairman*  
Mrs. W. F. Dummer, Chicago  
Mrs. Frances L. Roth, New Haven  
Wood F. Worcester, San Diego  
Esther Lazarus, Baltimore  
Dean Justin Miller, Los Angeles

Judge Fallagant presented the report of the Committee which was unanimously adopted. (See resolutions attached.)

The following Committee on Nominations was appointed:

Judge Herbert G. Cochran, Norfolk, *Chairman*  
Frank S. Drown, Philadelphia  
Judge Camille Kelley, Memphis  
Alice Scott Nutt, Washington  
Judge George M. Read, Detroit

The committee reported and the following officers were unanimously elected for the ensuing year:

President—George W. Wickersham, New York (Re-elected)

Vice-President—Judge Charles W. Hoffman, Cincinnati (Re-elected)

Members of the Board of Directors for the four year term:

Judge Franklin Chase Hoyt, New York (Re-elected)

Dr. John H. Finley, New York (Re-elected)

Mrs. Helen Hartley Jenkins, New York (Re-elected)

Tracy W. McGregor, Detroit (Re-elected)

Dean Justin H. Miller, Los Angeles

Charles Edwin Fox, Philadelphia

Edwin J. Cooley, New York

To fill a vacancy on the board for the term expiring 1931:

George W. Wickersham (previously elected by the board pending the annual election).

Respectfully submitted,

CHARLES L. CHUTE,

General Secretary.



**RESOLUTIONS ADOPTED AT THE TWENTY-THIRD  
ANNUAL CONFERENCE, NATIONAL PROBATION ASSOCIATION**

**1. WHEREAS:—**

Amendments are needed to strengthen and extend the application of the Federal Probation Law, sponsored by the Association, and to provide more effective control and supervision by the Department of Justice;

**AND WHEREAS:—**

Appropriations granted by Congress for the employment of needed probation officers in the United States Courts have been and are entirely inadequate to provide for the proper use of the system;

**BE IT RESOLVED:—**

That the National Probation Association assembled in annual conference in San Francisco, endorses and urges the passage of Senate Bill 938 now pending in Congress, introduced by Senator Shortridge of California; that we also urgently request the Department of Justice, the Budget Bureau and Congress to provide an adequate appropriation to place salaried probation officers in all Federal Courts where they are needed.

**BE IT FURTHER RESOLVED:—**

That we endorse and approve the principle of selecting probation officers for the Federal Courts through the Civil Service and commend the system established by the United States Civil Service Commission in close cooperation with this Association by means of which only qualified and experienced officers have been appointed to the important positions of probation officers in United States Courts.

**2. RESOLVED:—**

That the National Probation Association, honored by the appointment of its president, the Honorable George W. Wickersham, as chairman of President Hoover's Commission on Law Observance and Enforcement, desires to express its approval of the purposes of the Commission and to offer its full cooperation insofar as the work of the Commission shall concern itself with the field of prevention and remedial treatment of offenders in the courts and in the community.

**3. RESOLVED:—**

That a vote of thanks be given to Justin Miller for the sounding of the keynote of the conference in his brilliant presentation of the possibilities of preventive justice.

**4. RESOLVED:—**

That there be formed a continuing committee on preventive justice which shall endeavor to determine and to interpret to educators, crime commissions and similar organizations, as well as the general public, new diagnoses of delinquency which shall lead to deeper discernment

of the bases of constructive human action and which shall secure increasing cooperation of all community forces for that purpose.

5. **RESOLVED:—**

That a new standing committee on public education and publicity be created, the members to be appointed by the president, to cooperate with the staff of the National Probation Association in developing educational publicity for probation work throughout the country.

6. **RESOLVED:—**

That the National Probation Association approves the work of its Committee on Records and Statistics in devising new record forms and plans for adequate statistical work by probation departments and recommends the continuance of the present committee for another year.

That we also recommend the continuance of the standing committees of the Association on Domestic Relations Courts, Federal Probation, and Work with Women and Girls.

That we endorse and approve the extensive field survey work of the Association's staff and urge its continuance and extension.

We also endorse the plans and projects of the Association for studies of domestic relations courts and methods of juvenile detention during the coming year.

7. **RESOLVED:—**

That the members of the National Probation Association suggest and recommend to the Board of Directors the addition to the Advisory Committee of the names of the Honorable Chester H. Rowell of San Francisco, the Honorable Theodore Roosevelt of New York, and the Honorable James H. Post of New York.

8. **RESOLVED:—**

That the deep appreciation of the entire Association be extended to the Local Committee of this Conference, especially to its Chairman, the Honorable C. J. Goodell, Judge of the Superior Court; to J. C. Astredo, Chief Probation Officer, Juvenile Court, San Francisco; William H. Nicholl, Chief Adult Probation Officer, San Francisco; also to the Department of Recreation of San Francisco for the delightful play; to the Palace Hotel; to the many speakers, and to the officers of the California State Probation Officers Association for their invitation to visit their Golden State and for this successful conference.

NATIONAL PROBATION ASSOCIATION, INC.

Organized 1907, Incorporated 1921

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OFFICERS AND BOARD—1929-1930

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*VICE-PRESIDENT*

HON. CHARLES W. HOFFMAN, Judge, Court of Domestic Relations,  
Cincinnati, Ohio

*TREASURER*

HENRY deFOREST BALDWIN, New York, N. Y.

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HON. FREDERICK P. CABOT, Judge, Juvenile Court, Boston, Mass.

JULIA C. LATHROP, Former Chief, Children's Bureau, Rockford, Ill.

JOSEPH LEE, Boston, Mass.

HON. JULIAN W. MACK, Judge, U. S. Circuit Court of Appeals, New  
York, N. Y.

HON. HUGO PAM, Judge, Superior Court, Chicago, Ill.

HON. EDWARD F. WAITE, Judge, District Court, Minneapolis, Minn.

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*Terms Expire 1933*

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York, N. Y.

EDWIN J. COOLEY, Chief Probation Officer, Court of General Sessions,  
New York, N. Y.

DR. JOHN H. FINLEY, c/o New York Times, New York, N. Y.

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*Terms Expire 1932*

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HON. HERBERT G. COCHRAN, Judge, Juvenile and Domestic Relations  
Court, Norfolk, Va.

PROF. HENRY PRATT FAIRCHILD, New Haven, Conn.

HON. CAMILLE KELLEY, Judge, Juvenile Court, Memphis, Tenn.

HON. HERBERT C. PARSONS, State Commissioner of Probation, Boston,  
Mass.

ALICE C. SMITH, Probation Officer, Women's Court, New York, N. Y.

PERCY C. STRAUS, New York, N. Y.

Terms Expire 1931

DR. MIRIAM VAN WATERS, Referee, Juvenile Court, Los Angeles, Calif.  
HON. L. B. DAY, Judge, Supreme Court, Lincoln, Neb.  
PROF. RAYMOND MOLEY, Columbia University, New York, N. Y.  
JOSEPH P. MURPHY, Chief Probation Officer, Essex County, Newark, N. J.  
GEORGE W. WICKERSHAM, New York, N. Y.

Terms Expire 1930

W. BRUCE COBB, Secretary, Courts Committee, Brooklyn Bureau of Charities, Brooklyn, N. Y.  
MRS. W. F. DUMMER, Chicago, Ill.  
MABEL BROWN ELLIS, New York, N. Y.  
BERNARD FLEXNER, New York, N. Y.  
EDWIN L. GARVIN, New York, N. Y.  
HON. CHARLES W. HOFFMAN, Judge, Domestic Relations Court, Cincinnati, Ohio  
EMMA O. LUNDBERG, Child Welfare League, New York, N. Y.

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## Treasurer's Report

### NATIONAL PROBATION ASSOCIATION, INC.

#### STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS FOR THE YEAR ENDED MARCH 31, 1929

BALANCE, APRIL 1, 1928 ..... \$9,412.17

#### RECEIPTS:

Dues and contributions.....	\$57,217.58
Commonwealth Fund donation .....	10,000.00
Estate of S. Edith Van Buskirk, legacy....	100.00
For field service expense .....	5,035.06
Publications .....	503.19
Interest on bank balances .....	390.50
Miscellaneous .....	226.64

Total receipts ..... 73,472.97

Total .....\$82,885.14

#### DISBURSEMENTS (as apportioned among projects by the Association):

Educational service .....	\$16,494.83
Legislative campaigns .....	5,651.78
Information and advice .....	5,450.00
Research .....	4,571.50
Field service .....	20,150.16
Membership and financial support.....	15,542.81
Employment service .....	810.33
General administration .....	5,850.50

Total disbursements .....\$74,521.91

#### BALANCE, MARCH 31, 1929:

##### On deposit:

Reserve fund account .....	\$7,020.58
General .....	917.65
Petty cash fund .....	25.00
Traveling expense funds .....	400.00

\$8,363.23

## CERTIFICATE

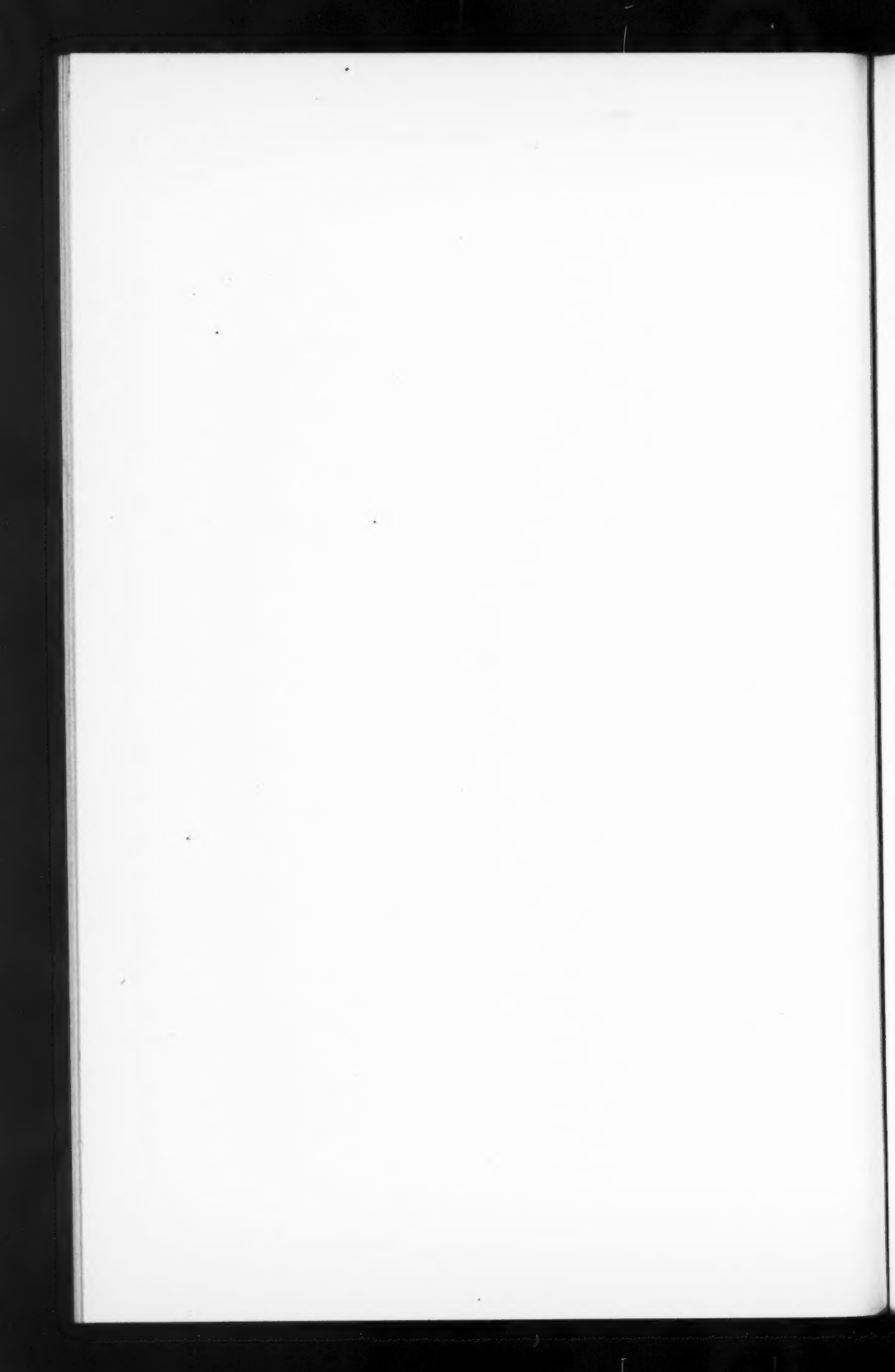
We have made a cash audit of the accounts of the National Probation Association, Inc., for the year ended March 31, 1929, and

WE HEREBY CERTIFY that, subject to the apportionment of disbursements by the Association, the above statement correctly sets forth the Association's receipts during the year as recorded, its disbursements during the year, and its cash balance at March 31, 1929.

HASKINS & SELLS

New York, April 13, 1929

HENRY de FOREST BALDWIN, Treasurer.



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